

THE
BENGAL LEGISLATIVE COUNCIL
PROCEEDINGS.

(Official Report.)

SEVENTH SESSION.

1922.

VOLUME VII—No. 2.

(February 20th to 23rd, 1922.)



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1922.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS,
Earl of Ronaldshay, G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir HENRY WHEELER, K.C.S.I., K.C.I.E., Vice-President,
in charge of the following portfolios:—

1. Appointment.
2. Political.
3. Police.
4. Ecclesiastical.
5. European Education.

The Hon'ble Sir BHAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M.,
Maharajadhiraja Bahadur of Burdwan in charge of the following
portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Forests.
4. Irrigation.
5. Excluded areas.

The Hon'ble Mr. J. H. KERR, C.S.I., C.I.E., in charge of the following
portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and reserved Industrial subjects.
4. Marine.

The Hon'ble Sir ABD-UR-RAHIM, Kt., in charge of the following portfolios:—

1. Judicial.
2. Jails.
3. Emigration.
4. Immigration.
5. Jurisdiction.

GOVERNMENT OF BENGAL.**MINISTERS.**

The Hon'ble Sir SURENDRA NATH BANERJEE, Kt., in charge of the following portfolios:—

Local Self-Government and Public Health.

The Hon'ble Mr. PROVASH CHUNDER MITTER, C.I.E., in charge of the following portfolio:—

Education.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E., in charge of the following portfolios:—

Agriculture and Public Works.

GOVERNMENT OF BENGAL.

**PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE
COUNCIL.**

PRESIDENT.

The Hon'ble Nawab Sir SYED SHAMS-UL-HUDA, K.C.I.E.

DEPUTY-PRESIDENT.

Babu SCRENDRA NATH RAY.

Secretary to the Council—C. TINDALL, C.I.E., I.C.S.

Assistant Secretary to the Council —A. M. HUTCHINSON.

Additional Assistant Secretary to the Council —K. N. MAJUMDAR.

Registrar to the Council—J. W. MCKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Addy, Babu Anubha Dhone. (Bengal National Chamber of Commerce.)
 Atzal, Nawabzada K. M., Khan Bahadur [Dacca City (Muhammadan).]
 Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
 Ahmed, Khan Bahadur Maulvi WaSimuddin. [Pabna (Muhammadan).]
 Ahmed, Maulvi Azaharuddin. [Bakarganj West (Muhammadan).]
 Ahmed, Maulvi Rafi Uddin. [Jessore South (Muhammadan).]
 Ahmed, Maulvi Yakunuddin. [Dinajpur (Muhammadan).]
 Ahmed, Mr. M. [Faridpur South (Muhammadan).]
 Ahmed, Munshi Jafar. [Noakhali (Muhammadan).]
 Aley, Mr. S. Mahboob. [Calcutta South (Muhammadan).]
 Ali, Maulvi Syed Hossain. [Bakarganj North (Muhammadan).]
 Ali, Maulvi Syed Muksood. [24-Parganas Municipal North (Muhammadan).]
 Ali, Mr. Syed Erfan. [Nadia (Muhammadan).]
 Ali, Mr. Syed Nasim. [24-Parganas Rural (Muhammadan).]
 Ali, Munshi Amir. [Chittagong (Muhammadan).]
 Ali, Munshi Ayub. [Chittagong (Muhammadan).]
 Arhamuddin, Maulvi Khandakar. [Mymensingh West (Muhammadan).]
 Azam, Khan Bahadur Khwaja Mohamed. [Dacca East Rural (Muhammadan).]

B

Banerjee, the Hon'ble Sir Surendra Nath. [Minister, 24-Parganas Municipal (Non-Muhammadan).]
 Banerjee, Rai Bahadur Abinash Chandra. [Birbhum (Non-Muhammadan).]
 Barma, Rai Sahib Panchanan. [Rangpur (Non-Muhammadan).]
 Barton, Mr. H. (Anglo-Indian.)
 Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
 Bhattacharji, Babu Hem Chandra. (Nominated Non-Official—Labouring Classes.)
 Biss, Mr. E. E. (Nominated Official.)
 Bompas, Mr. C. H. (Nominated Official.)
 Bose, Mr. S. M. [Mymensingh East (Non-Muhammadan).]

C

- Carey, Mr. W. L. (Indian Mining Association.)
 Charmakar, Babu Rasik Chandra. [Noakhali (Non-Muhammadan).]
 Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
 Chaudhuri, Babu Tankanath. [Dinajpur (Non-Muhammadan).]
 Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman. [Bogra (Muhammadan).]
 Chaudhuri, Maulvi Shah Muhammad. [Malda cum Jalpaiguri (Muhammadan).]
 Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
 Chaudhuri, Sir Asutosh. [Bogra cum Pabna (Non-Muhammadan).]
 Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur. [Minister, Mymensingh East (Muhammadan).]
 Cohen, Mr. D. J. [Calcutta South Central (Non-Muhammadan).]
 Currie, Mr. W. C. (Bengal Chamber of Commerce.)

D

- Das, Babu Bhismadev. (Nominated Non-official—Depressed Classes.)
 Das, Mr. S. R. [Calcutta North-West (Non-Muhammadan).]
 Das Gupta, Rai Bahadur Nibaran Chandra. [Bakarganj North (Non-Muhammadan).]
 De, Babu Fannudralal [Hooghly cum Howrah Rural (Non-Muhammadan).]
 deLisle, Mr. J. A. [Dacca and Chittagong (European).]
 Doss, Rai Bahadur Pyari Lal. [Dacca City (Non-Muhammadan).]
 Dutt, Mr. Ajoy Chunder. [Bankura East (Non-Muhammadan).]
 Dutt, Rai Bahadur Dr. Haridhan. [Calcutta North Central (Non-Muhammadan).]
 Dutta, Babu Annada Charan. [Chittagong (Non-Muhammadan).]
 Dutta, Babu Indu Bhushan. [Tippera (Non-Muhammadan).]
 Duval, Mr. H. P. (Nominated Official.)

F

- Faroqui, Mr. Fe G. M. [Tippera (Muhammadan).]
 Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]
 French, Mr. F. C. (Nominated Official.)

G

- Ghatak, Rai Bahadur Nilmani. [Malda (Non-Muhammadan).]
 Ghose, Mr. D. C. [24-Parganas Rural South (Non-Muhammadan).]
 Ghose, Rai Bahadur Jogendra Chunder. (Calcutta University.)

ALPHABETICAL LIST OF MEMBERS.

ix.

Goode, Mr. S. W. (Nominated Official.)
Gupta, Mr. J. N., M.B.E. (Nominated Official.)

H

Haq, Maulvi A. K. Fazl-ul. [Khulna (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Hindley, Lt.-Col. C. D. M. (Nominated Official.)
Hopkyns, Mr. W. S. (Nominated Official.)
Huntingford, Mr. G. T. (Nominated Official.)
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Hussain, Maulvi Md. Madassur. [Burdwan Division North (Muhammadan).]

J

James, Mr. R. H. L. Langford. (Indian Jute Mills Association.)
Janah, Babu Sarat Chandra. [Midnapore South (Non-Muhammadan).]

K

Karim, Maulvi Abdul. [Faridpur North (Muhammadan).]
Karim, Maulvi Fazlul. [Bakarganj South (Muhammadan).]
Keir, the Hon'ble Mr. J. H. (Member, Executive Council.)
Kesteven, Sir Charles Henry. (Expert Member.)
Khahtan, Babu Devi Prosad. (Nominated Non-Official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammad).]
Khan, Maulvi Hamid-ud-din. [Rangpur East (Muhammadan).]
Khan, Maulvi Md. Rafique Uddin. [Mymensingh East (Muhammadan).]
Khan, Mr. Razaur Rahman. [Calcutta North (Muhammadan).]
Khan Chaudhuri, Khan Bahadur Maulvi Md. Ershad Ali. [Rajshahi North (Muhammadan).]

L

Lang, Mr. J. (Nominated Official.)
Larmour, Mr. F. A. (Calcutta Trades Association.)
Law, Raja Reshee Case. (Bengal National Chamber of Commerce.)

M

Maharajadhiraja Bahadur of Burdwan, the Hon'ble. (Member, Executive Council.)
Makramali, Munshi. [Noakhali (Muhammadan).]
Mallik, Babu Surendra Nath. [Calcutta South (Non-Muhammadan).]

ALPHABETICAL LIST OF MEMBERS.

- Mitra, Rai Bahadur Mahendra Chandra. [Hooghly Municipal (Non-Muhammadian).]
Mitter, the Hon'ble Mr. Provash Chunder. (Minister, Presidency Landholders.)
Moitra, Dr. Jatindra Nath. [Faridpur North (Non-Muhammadian).]
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukharji, Babu Satish Chandra. [Hooghly cum Howrah Rural (Non-Muhammadian).]
Mukherjee, Babu Nitya Dhon. [Hooghly Municipalities (Non-Muhammadian).]
Mukherji, Professor S. C. Nominated Non-Official—The Indian Christian Community.)
Mukhopadhyaya, Babu Sarat Chandra. [Midnapore South (Non-Muhammadian).]
Mullick, Babu Nirode Behary. [Bakarganj South (Non-Muhammadian).]

N

- Nukey, Mirza Muhammad Ali. [24-Parganas Municipal South (Muhammadian).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadian).]

P

- Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadian).]
Pal, Rai Bahadur Radha Charan. [Calcutta East (Non-Muhammadian).]
Poddar, Babu Keshoram. (Bengal Marwari Association.)
Pugh, Colonel A. J. [Presidency and Burdwan (European).]

R

- Rae, Mr. W. R. [Presidency and Burdwan (European).]
Raheem, Mr. Abdur. (Nominated Non-Official.)
Rahim, the Hon'ble Sir Abd-ur. (Member, Executive Council.)
Rajkat, Mr. Prasantha Deb. [Jalpaiguri (Non-Muhammadian).]
Rauf, Maulvi Shah Abdur. [Rangpur West (Muhammadian).]
Ray, Babu Bhambendra Chandra. [Jessore North (Non-Muhammadian).]
Ray, Babu Surendra Nath. [Deputy-President, 24-Parganas Municipal South (Non-Muhammadian).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, Rai Bahadur Upendra Lal. (Chittagong Landholders.)
Ray Chaudhuri, Babu Brojendra Kishor. (Dacca Landholders.)

ALPHABETICAL LIST OF MEMBERS.

xi

- Ray Chaudhuri, Mr. Krishna Chandra.** (Nominated Non-Official—
Labouring Classes.)
Ray Choudhury, Raja Manmatha Nath. [Mymensingh West (Non-Muhammadian).]
Roy, Babu Jogen Krishna. [Faridpur South (Non-Muhammadian).]
Roy, Babu Jogendra Nath. [Dacca Rural (Non-Muhammadian).]
Roy, Babu Nalini Nath. [Jessore South (Non-Muhammadian).]
Roy, Maharaja Bahadur Kshaunish Chandra. [Nadia (Non-Muhammadian).]
Roy, Mr. Bijoy Prasad Singh. [Burdwan (Non-Muhammadian).]
Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)
Roy, Rai Bahadur Lalit Mohan Singh. (Burdwan Landholders.)
Roy, Raja Maniloll Singh. [Burdwan (Non-Muhammadian).]
Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadian).]

S

- Salam, Khan Bahadur Abdus.** [Jessore North (Muhammadian).]
Sarkar, Babu Jogesh Chandra. [Rangpur (Non-Muhammadian).]
Sarkar, Babu Rishindra Nath. [Bankura West (Non-Muhammadian).]
Sinha, Babu Surendra Narayan. [Murshidabad (Non-Muhammadian).]
Skinner, Mr. H. H. (Bengal Chamber of Commerce.)
Spry, Mr. H. E. (Nominated Official.)
Stark, Mr. H. A. (Anglo-Indian.)
Stephenson, Mr. H. L. (Nominated Official.)
Subrawardy, Dr. A. [Dacca West Rural (Muhammadian).]
Subrawardy, Dr. Hasan. [Hooghly cum Howrah Municipal (Muhammadian).]
Subrawardy, Mr. Huseyn Shahed. [Burdwan Division South (Muhammadian).]
Swan, Mr. J. A. L. (Nominated Official.)

T

- Travers, Mr. W. L.** [Rajshahi (European).]

W

- Walsh, Mr. C. P.** (Nominated Official.)
Wheeler, the Hon'ble Sir Henry. (Member, Executive Council.)
Wordsworth, Mr. W. O. (Nominated Official.)

THE BENGAL LEGISLATIVE COUNCIL

PROCEEDINGS.

(Official Report.)

VOLUME VII—NO. 2.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council assembled at 3 P.M. on Monday, the 20th February, 1922, in the Council Chamber in the Town Hall, Calcutta.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, the Hon'ble the three Ministers, and 89 nominated and elected members.

Death of Surgeon-General W. H. B. Robinson.

THE DEPUTY-PRESIDENT (Babu Surendra Nath Ray): We have all heard, with great sorrow, of the death of Surgeon-General William Henry Banner Robinson, which melancholy event took place in the evening of the 7th instant, at the comparatively early age of 58. It was only on the morning of the 4th, that we heard for the first time from His Excellency Lord Ronaldshay, when opening the School of Tropical Medicine, that Major General Robinson was ill. Of all the noble sons who have come out from Ireland to serve in this country, the name of Surgeon-General Robinson will remain one of the foremost. He came out to this country in the Indian Medical Service in 1886, and had seen service and active service in Burma, the Chin Hills, Chitral and Waziristan and, last but not least, in Egypt, where he held the important post of Deputy-Director of the Indian Medical Service in charge of the Indian Expeditionary Force from 1914 to 1917. Before being appointed to Bengal, he was Residency Surgeon at Alwar, Bikanir, Jaipur, Marwar and Mount Abu and Chief Medical Officer at Rajputana and Inspector-General of Civil Hospitals in the Central Provinces. In Bengal, he came to serve in the highest medical appointment of the Province, that of Surgeon-General, in the year 1918, and from that time he was associated with us in the Bengal Legislative Council, except for a period of about six months in 1921, when he was appointed as acting Director-General of the Indian Medical Service during the absence of General Edwards.

He had the rare distinction of being Honorary Surgeon to His Majesty the King-Emperor. He took an active part in bringing the School of Tropical Medicine into being. Such is the brilliant career of the man whose death we are now mourning. Myself and a few of us of the old Council were associated with him in the old and the new Councils for nearly three years and we are all proud of the fact that we were his colleagues. His tall, graceful figure, his clear eyes and his intellectual forehead revealed a noble disposition and a refined understanding. He stands almost unique for his qualities of head and heart. He was one who had no enemy. An able administrator, with great powers of organisation, he was loved alike by his colleagues and by those who had the good fortune of serving under him. He was essentially a man of work, always inspired by high and honourable motives, with a supreme sense of duty and with unfailing kindness. After thirty-six years of honourable service, spent mostly in this country, he was looking forward to a well-earned rest with his family when the hand of death suddenly snatched him away, far from those who are dearest to him, and leaving us, his friends, also to mourn his loss.

I ask the members of this Council to signify, by rising in their places, their approval to a message of the deep sympathy of this House being conveyed to the family of the deceased.

The Council then signified their respect for the memory of the late Surgeon-General William Henry Banner Robinson, all standing.

Starred Questions

(to which oral answers were given).

Increase in recurring expenditure.

***XVI. Mr. TARIT BHUSAN ROY:** Will the Hon'ble the Member in charge of the Department of Finance be pleased to state the total amount of recurring expenditure which has been caused by reason of the increase in monthly salaries and allowances after the Reform scheme, in the following services:—

- (i) Judicial,
- (ii) Executive,
- (iii) Police, and
- (iv) Ministerial officers?

***MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. H. Kerr):** The approximate figures are—

I.—Judicial—

Rs.

- (i) Oversea pay to members of the Indian Civil Service sanctioned in Government of India, Home Department resolution No. 286, dated the 13th February, 1920

... 4,450

1922.]

QUESTIONS.

I.—Judicial—concluded.

Rs.

(ii) Exchange compensation allowance to members of the Indian Civil Service sanctioned in Government of India, Finance Department resolution No. 1559 E.A., dated the 16th August, 1921	40,000
(iii) Increase of pay of holders of listed appointments sanctioned in Government of India, Home Department resolution No. 1053, dated the 5th May, 1921	85,000
Total Judicial	1,29,450

II.—Executive—

(i) Revision of pay of Sub-Deputy Collectors sanctioned in this Government resolution No. 5328 A., dated the 12th July, 1921	4,00,000
(ii) Oversea pay to members of the Indian Civil Service sanctioned in Government of India, Home Department resolution No. 286, dated the 13th February, 1920	8,690
(iii) Exchange compensation allowance to members of the Indian Civil Service sanctioned in Government of India, Finance Department resolution No. 1559 E.A., dated the 16th August, 1921	90,000
(iv) Increase of pay of holders of listed appointments sanctioned in Government of India, Home Department resolution No. 1053, dated the 5th May, 1921	85,000
Total Executive Officers	5,83,690

III.—Police—

(i) Revision of the pay of the higher subordinate executive staff, Calcutta Police, sanctioned in Government order No. 1682 Pl., dated the 10th June, 1921	1,11,000
(ii) Revision of pay of Deputy Superintendents of Police sanctioned in Government of India, Home Department letter No. 196, dated the 31st January, 1920	70,000
(iii) Revision of pay of Inspectors of the Bengal Police sanctioned in Government order No. 1508 Pl., dated the 26th May, 1921	2,82,788
(iv) Revision of pay of the police establishment in the Chittagong Hill Tracts sanctioned in Government order No. 245 T.—B., dated the 17th October, 1921	55,000

III.—Police—concluded.

Rs.

(v) Further revision of pay of Imperial Police officers sanctioned in Government of India, Home Department resolution No. D-449, dated the 26th July, 1921	24,000
(vi) Oversea pay to Imperial Police officers admissible in terms of Government of India, Home Department resolution No. 288, dated the 13th February, 1920, and Government of India, Finance Department resolution No. 1559 E.A., dated the 16th August, 1921	31,000
(vii) Exchange compensation allowance to members of the Imperial Police service sanctioned in Government of India, Finance Department resolution No. 1559 E.A., dated the 16th August, 1921	10,000
Total Police	5,83,788

The local Government's proposals regarding the majority of ministerial officers are now under the consideration of the Government of India. These proposals involve an estimated increase in recurring expenditure of about Rs. 31 lakhs.

Except in the case of the ministerial officers, the increases are due to schemes of reorganisation sanctioned or submitted before the introduction of the reformed constitution.

Non-co-operation and civil disobedience.

*XVII. **Rai LALIT MOHAN SINGH ROY Bahadur:** Will the Hon'ble the Member in charge of the Political Department be pleased to lay on the table a statement showing—

- (i) the areas and the names of districts which have been seriously affected by the preaching of non-co-operation;
- (ii) the areas and the names of the districts where people have either refused to pay the *chaukidari* tax or union rates or have been preparing themselves for civil disobedience?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Henry Wheeler): (i) The preaching of non-co-operation has had considerable effect throughout the province, the districts most seriously affected so far being Rangpur, Chittagong, Noakhali, Dacca, Faridpur, Bakarganj, Howrah, Pabna and Birbhum.

(ii) Difficulty has been experienced in realising union rates in Midnapore, Hooghly and Birbhum, and in realising *chaukidari* tax in parts of Rangpur, Rajshahi, Noakhali, Tippera, Mymensingh, Midnapore and Birbhum. This must be attributed very largely to the constant preaching of non-co-operation and to preparation for civil disobedience.

Directions to police in dealing with prohibited meetings.

***XVIII. Rai RADHA CHARAN PAL Bahadur:** (a) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether specific instructions as to how to deal with meetings held in defiance of the recent Government notifications, have been issued under the authority of Government to the police in Calcutta and elsewhere?

(b) If so, will the Hon'ble the Member be pleased to lay on the table a copy of the text of such instructions or orders?

(c) Is the Hon'ble the Member aware of the fact that a regular state of panic has been created among a large section of the Indian community in Calcutta by the employment of European police sergeants in dispersing public meetings in places of public resort in Calcutta and the reported personal experience of eye-witnesses and others alleging the commission of violence by the police, particularly by the European section thereof, not only on persons attending those meetings but also on innocent on-lookers and passers-by?

(d) If so, what steps, if any, are the Government contemplating taking to put an end to this state of things?

(e) Will the Hon'ble the Member be pleased to state whether the directions of the Government, if any have been issued to the police at all, are to disperse prohibited public meetings by force or to arrest all persons who refuse to retire irrespective of the number?

The Hon'ble Sir HENRY WHEELER: (a) and (b) No specific instructions have been issued by Government, since the powers of the police are sufficiently provided for by law.

(c) There have been many allegations, chiefly in the extremist press, on the lines of this question, but Government have no reason to believe that the law-abiding section of the people have been thrown into a panic by the exercise of these powers by the police in dispersing unlawful assemblies.

(d) The question does not arise.

(e) The police have definite powers under the law to deal with unlawful assemblies, and the discretion in using these must rest with the officers in charge.

Unstarred Questions

(answers to which were laid on the table).

Tea-gardens and forest lands.

123. Masvi AZAHARUDDIN AHMED: (a) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing—

(i) the total area of tea-gardens held under lease from the Government within the Presidency of Bengal;

- (ii) the areas held respectively under permanent settlement and temporary settlement;
- (iii) the rates of rent and other incidence in respect of each of the two classes of the lease;
- (iv) the average net product of tea per acre held under lease from Government;
- (v) the highest rate of rent payable by the agriculturist in respect of paddy lands in *khas mahal* areas; and
- (vi) the net yearly outturn of such paddy land as mentioned above?

(b) Will the Hon'ble the Member be pleased to state the total area of land under the Forest Department in the district of Khulna, and the annual income thereof?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajahdiraja Bahadur of Burdwan):

(a) (i) to (vi) A statement is laid on the table.

(b) One thousand seven hundred and three square miles, the income for the last full year being Rs. 6,66,372.

Statement referred to in the reply to unstarred question No. 1, showing area, average yield per acre, etc., of lands held under lease from Government for tea cultivation in the Presidency of Bengal.

	Darjeeling.	Jalpaiguri.	Chittagong.
(a) (i) ...	142,152 acres.	261,935 acres.	25,690 acres.
(ii) ...	71,872 acres are freehold grants under permanent lease and 67,280 acres are under temporary settlement.	Area under permanent settlement—nil. Area under temporary settlement is 261,935 acres.	24,518 acres are free-sample lots and permanently settled estates, and 1,172 acres are held under temporary settlements.
(iii) ...	No revenue is paid for the area of land held as freehold grant, but the rates of rent for areas under temporary settlement vary from annas 6 to Rs. 1-4 per acre per annum.	Lands under tea are assessed at the rate of Rs. 2 or Rs. 2-4 per acre in different parganas. Lands in tea grants not under tea are assessed at pargana rates, viz., Basti—Rs. 2 to Rs. 3; Daboli—Rs. 1-4 to Rs. 2-4; Danga I—As. 12 to Re. 1-8; Danga II—As. 4 to As. 10; Culturable waste—As. 2 to As. 4. The minimum average rate for a whole grant is Re. 1 per acre.	The rate of revenue assessed on permanently settled estates varies from Re. 1 to Re. 1-8 per acre, and that of temporary settlements is Re. 1-4 per acre.
(iv) ...	267·03 lbs. per acre.	205 lbs. per acre	4·0 lbs. per acre

	Darjeeling.	Jalpaiguri.	Chittagong.
(v) ...	Rs. 1-4 per acre in the West Teesta and Kalimpong <i>thas mahals</i> and Rs. 2 per acre in the Siliguri subdivision.	Rs. 1-4 per acre in three parganas and Rs. 2 per acre in others.	Rs. 5 per acre for first class paddy land.
(vi) ...	15 to 27 maunds per acre in Kalimpong, 4½ maunds per acre in West Teesta and 10 to 28 maunds per acre in the Siliguri subdivision.	20 maunds per acre.	20 maunds per acre.

* NOTE.—These figures give the estimated culture, and are approximate only

Water-hyacinth in Bikrampur.

134. Khan Bahadur KHWAJA MOHAMED AZAM: (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what steps have been taken by the Department of Public Health to remove water-hyacinth (*kachuri* plant) from Bikrampur?

(b) Is the Hon'ble the Minister aware that Bikrampur, which was so long known to be very healthy, has become malarious owing to the blockade by water-hyacinth of its waterways during the rainy season?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjee): (a) There seems to be some misapprehension as to the functions of the Department of Public Health. Its functions are mainly advisory and not executive. Its business is to investigate the incidence and causes of disease and to propose measures for improving the public health. It is the work of local bodies, as a general rule, to carry out these measures. The eradication of water-hyacinth is the work of local bodies, guided and assisted by Government experts.

(b) Government are aware that Bikrampur has become more unhealthy than was formerly the case, but without a detailed investigation, it is not possible for the causes of this deterioration to be accurately stated. There is nothing to prevent the district board undertaking an inquiry into this matter, in which case the Department of Public Health will render all possible assistance.

Unpassed compounders practising medicine.

135. Babu HEM CHANDRA BHATTACHARJI: (a) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that both passed and unpassed compounders practise the profession of medicine and surgery without let or hindrance throughout Bengal?

(b) Are the Government considering the desirability of taking steps in the matter?

(c) Are the Government considering the desirability of—

- (i) securing through the Civil Assistant and (Sub-Assistant Surgeons, a census of such practitioners;
- (ii) calling upon local boards, municipalities or unions to seek the co-operation of local qualified practitioners (official as well as non-official) to take up the duty of teaching these compounder-practitioners and others who may offer themselves for the purpose, an elementary course of medicine—both junior and senior subjects; and
- (iii) calling upon such trained men to appear before the State Medical Faculty for a diploma to be instituted for the purpose?

The Hon'ble Sir SURENDRA NATH BANERJEA: (a) The reply is in the affirmative; they cannot obtain registration; but there is nothing to prevent their practising.

(b) No action is possible without legislation.

(c) (i) No.

(ii) The Medical Acts give Government no jurisdiction in this matter.

(iii) Persons so trained would not be qualified to appear at the examinations of the State Faculty of Medicine.

Recruitment from depressed classes to Government service.

136. Babu BHISHMADEV DAS: (a) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state how many graduates and undergraduates of the depressed classes applied in 1920 for appointment in the Bengal Civil Service, Subordinate Civil Service, Registration Department and Police Department and how many of them have been appointed?

(b) Will the Hon'ble the Member be pleased to state whether Government contemplate making suitable provision for adequate representation of the depressed classes in the various departments of Government service?

(c) Is the Hon'ble the Member aware that the Namasudras and other depressed classes have not joined the non-co-operation movement?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Henry Wheeler): (a) Government has information only as regards direct applications made to it. Subject to that limitation, the figures are as given in the attached statement.

(b) The member is referred to the answer given to unstarred question No. 53 at the Council meeting of the 14th March, 1921.

(c) So far as Government's information goes, this statement is generally correct.

Statement referred to in the reply to clause (a) of unstarred question No. 4, showing the number of graduates and undergraduates belonging to depressed classes who applied direct to the local Government in 1920 for appointments in the Bengal Civil Service, Subordinate Civil Service, Police and Registration Departments, and the number appointed to these services.

1920.

Name of Service.	Number of graduate candidates from depressed classes.	Number of undergraduate candidates from depressed classes.	Number of graduates appointed in 1920.	Number of undergraduates appointed in 1920.
Bengal Civil Service	10	...	...	...
Subordinate Service	20	...	2	...
Bengal Police Service	...	...	...	...
Sub-Registrars	1	1	1	...
Bengal Judicial Service	...	...	1	...

Circle officers at the Tippera sadar subdivision.

137. SHAH SYED EMDADUL HAQ: (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the names of the four circle officers of the sadar subdivision of Tippera as stated in the statement appended to unstarred question No. 2 for the meeting of the 21st November last?

(b) Is it not a fact that the Tippera sadar subdivision is divided into two parts, northern and southern, which are under two subdivisional officers?

(c) If so, how many Muhammadan and non-Muhammadan circle officers are there in each of those two parts?

(d) If there are no Muhammadan circle officers in the southern subdivision, are the Government considering the desirability of taking steps to provide room for them?

The Hon'ble Sir SURENDRA NATH BANERJEA: (a) Maulvi Rakibuddin Ahamed, Ershad Ali, Siddique Ahamed and Amir Ali worked as circle officer in the sadar subdivision since the introduction of the panchayati system in the district.

(b) Yes.

(c) For the northern sadar subdivision there are two circle officers and both of them are Muhammadans. In the southern subdivision there are three circle officers—all Hindus.

(d) The answer is in the negative.

Surveillance of suspects.

135. Maulvi FAZLUL KARIM: (a) Will the Hon'ble the Member in charge of the Police Department be pleased to state what orders are issued to the police for watching suspects under section 109 of the Criminal Procedure Code?

(b) Are the police authorised to disturb other people at dead of night, when inquiring whether the suspects are at home or not?

(c) Are the Government considering the desirability of reviewing their orders in order to abolish the present procedure of watching suspects or to terminate the watch at 10 p.m.?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Henry Wheeler): (a) and (b) The duties of the police in regard to surveillance are laid down in rule 226 of Volume V of the Police Regulations, Bengal, a copy of which may be consulted in the Council library.

(c) It is not proposed to modify the existing orders.

Settlement of "char" lands in the Noakhali district.

136. Munshi MAKRAMALI: (a) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is a fact that it was the practice in the district of Noakhali to let out *char* lands, belonging to the Government *khas mahal*, to cultivators without any *salami*?

(b) How long has this practice continued?

(c) What were the reasons which led Government to establish this practice in the first instance?

(d) Is it a fact that for some time past the above practice has been discontinued in that district and that a regular *salami* is being demanded and realised by the *khas mahal* authorities?

(e) Will the Hon'ble the Member be pleased to state under what head of revenue the landlords' fees realised on transfer of *khas mahal* lands by tenants are entered and on what heads is the said revenue spent?

(f) Are the Government considering the desirability of issuing instructions to the *khas mahal* authorities to let out the *char* lands to cultivators without any *salami* as before?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (a) Yes.

(b) The practice has continued for a long time.

(c) Settlements used to be made without any *salami* in order to induce the tenants to reclaim the *char* lands and jungle.

(d) Yes, in accordance with the rules recently framed by Government and embodied in Chapter VIII-A of the Government Estates Manual, 1919.

(e) The landlords' fees realised on transfer of *khas mahal* lands are entered in the General Budget on the receipt side as land revenue, being credited as miscellaneous land revenue, and not earmarked for expenditure on any specific head.

(f) No. Government sees no reason why it should deprive itself of a source of income utilised by all private proprietors.

Certain officers of the Police Department.

140. Babu SATISH CHANDRA MUKHARJI: (a) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state the number and pay of the Deputy Inspectors-General of Police in Bengal?

(b) When were these posts created and what are the duties attached to these posts?

(c) What is the total actual cost of the pay of these officers and their establishment in the whole of Bengal?

(d) What was the actual sum drawn by these officers as travelling allowance in 1920-21?

(e) Will the Hon'ble the Member be pleased to state the number and pay of Deputy Superintendents of Police in Bengal?

(f) When were these posts created and what are the duties attached to these posts?

(g) What is the total cost of their pay and establishment in the whole of Bengal?

(h) What was the actual travelling allowance drawn by these officers in 1920-21?

(i) Will the Government be pleased to state the number and pay of inspectors of police in Bengal?

(j) What is the total cost of their pay in the whole of Bengal?

(k) What was the actual travelling allowance drawn by these officers in 1920-21?

(l) What are the duties assigned to these officers?

The Hon'ble Sir HENRY WHEELER: (a) and (b) Deputy Inspectors-General of Police have been appointed in Bengal continuously since 1865. As regards the number and duties of Deputy Inspectors-General of Police, attention is invited to the answer given to unstarred question No. 90 asked by Babu Surendra Narayan Sinha at the meeting of the 29th August last. The pay of Deputy Inspectors-General of Police is Rs. 1,750—100—2,150 per mensem.

(c) Rupees 2,50,100.

(d) Rupees 13,281.

(e) There are 28 permanent and 2 temporary Deputy Superintendents of Police. The pay of Deputy Superintendents is given in the attached statement.

(f) and (l) The posts of Deputy Superintendents of Police were created in 1906. As regards the duties of both Deputy Superintendents and inspectors of police, attention is invited to the answer given to unstarred question No. 36 asked by Maulvi Fazlul Karim on the 14th March last.

(g) Rupees 1,53,216.

(h) Rupees 51,163.

(i) There are 290 inspectors of police, including temporary officers. The pay is Rs. 175— $\frac{3}{4}$ —300.

(j) Rupees 8,94,564.

(k) Rupees 1,79,450.

Statement referred to in the reply to clause (e) of unstarred question No. 3 showing the pay of Deputy Superintendents of Police.

Year of Service.					Scale of pay per mensem.
					Rs.
1st (probationers) ...	...	...	...	...	200
2nd (ditto ) ...	..	...	...	...	200
3rd ...	...	...	...	...	250
4th ...	...	...	...	...	275
5th ...	...	...	...	...	300
6th ...	...	...	...	...	320
7th ...	...	...	...	...	340
8th ...	...	...	...	...	360
9th ...	...	...	...	...	380
10th ...	...	...	...	...	400

Year of Service.					Scale of pay per month.	
					Rs.	
					Efficiency bar	
11th	420
12th	440
13th	460
14th	480
15th	500
16th	500
17th	520
18th	520
19th	540
20th	540
21st	560
22nd	560
23rd	580
24th	580
25th and over	600
Selection grade for 7 per cent. of the total cadre					...	700

" Society in Evolution," published by the Calcutta University.

141. Babu HEM CHANDRA NASKER: (a) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether the Calcutta University published a work called " Society in Evolution," by Dr. Ramdas Khan?

(b) Is it a fact that when the Calcutta University published on the 9th November, 1920, the names and qualifications of the candidates for George V Chair of Philosophy they stated, among other things, the following:—" Society in Evolution, Volume I, published by the University " ?

(c) If the answer is in the affirmative, will the Hon'ble the Minister be pleased to state the date of publication of the said book by the University and its author?

(d) Will the Hon'ble the Minister be pleased to state whether the publisher (the Calcutta University) submitted three copies of the said book to the Government, as required by the Registration Act?

(e) If the answer to (d) is in the affirmative, are the Government considering the desirability of procuring a copy of the said book from the Registration office and laying it on the table?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (a) and (c) The University published a work of this title by Dr. Ramdas Khan in 1920.

(b) The University have informed Government that the answer is in the negative; that the information which was placed before the Governing Bodies of the University was not made public, as will appear from the Proceedings of the Senate dated the 27th November, 1920. (Copy laid on the Library table.)

(d) One copy of the book was supplied to Government by the printer under section 9 (a) of Act XXV of 1867 and was sent to the Bengal Librarian for registration. When two more copies were asked for under section (b) of the Act, the printer informed Government that the whole edition had been destroyed.

(e) That copy of the book is laid on the Library table.

Dredging of Bhairab river.

142. Babu NALINI NATH ROY: (a) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether dredging of the river Bhairab will be continued in the district of Jessore next year?

(b) If the answer be in the negative, will the Hon'ble the Member be pleased to state the reasons?

(c) If the answer be in the affirmative, will the Hon'ble the Member be pleased to state whether any money has been budgetted for this purpose in the next budget?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (a) This is unlikely.

(b) The project is under preparation and it is expected to be ready in another nine months or so: there will be hardly any time to get the project sanctioned and the work taken up next year.

(c) No money has been budgetted for this work next year for reasons stated in (b).

Dredging of "bils."

143. Babu NALINI NATH ROY: (a) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether there will be any draining of *bils* under the Sanitary and Agricultural Improvements Act next year?

(b) If the answer to (a) is in the affirmative, will the Hon'ble the Member be pleased to lay on the table a statement showing the names of the *bils*, district by district, which it is proposed to drain?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (a) No, unless and until the works in progress have been completed.

(b) The following is a list of the *bils* the drainage of which is in progress and the drainage of which it is proposed to take up if funds and staff are available and if the projects are ready:—

Arool " bil " scheme.—Arool and Bookbhara *bils* (district Jessore).

Jaboona scheme.—All the *bils* in the Jaboona area, the chief of which are the Mogra, Bullee, Kholsea and Bhomra in the Nadia district and the Khatuna Baor in the 24-Parganas district.

Bhairab scheme (the fate of which is uncertain at present).—All the *bils* in the Bhairab area, the chief of which are the Marjat Baor and Jaydea Baor in the Jessore district and the Bellar, Mirgamaree and Mattearee in the Nadia district.

Alleged acceptance of illegal gratification by police from carters.

144. Babu NALINI NATH ROY: (a) Is the Hon'ble the Member in charge of the Police Department aware—

(i) that police officers on duty in the suburbs of Calcutta and in Calcutta not infrequently demand pice from the cart drivers; and

(ii) that the carts coming to Calcutta with daily bazar supply have to pay one pice to the police officers on duty at every junction approaching Calcutta, such as the Chitpur, Talla and Belgatchia bridges?

(b) If the answer to clause (a) is in the affirmative, are Government considering the desirability of appointing plain-clothes detectives to check such practices?

The Hon'ble Sir HENRY WHEELER: (a) (i), (ii) and (b) Allegations of this kind are not infrequently made, and probably they are not altogether devoid of truth in some instances. If such malpractices are discovered, those guilty of them will certainly be punished. The difficulty is to prove them, and it is doubtful if plain-clothes detectives would help much.

Public Prosecutor and Kanchrapara strike cases.

145. Babu HEM CHANDRA BHATTACHARJI: (a) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state the reasons for engaging the Public Prosecutor of the 24-Parganas district for the purpose of conducting the cases brought against some of the strikers of the Kanchrapara workshops and the outsiders who had helped the strikers?

(b) Will the Hon'ble the Member be pleased to state the amount spent by Government up to now for these cases?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (a) The Public Prosecutor of the 24-Parganas was engaged, as the cases were considered important not only in themselves but also as affecting the peace of an important industrial centre. Accused were represented by Council throughout and the cases hotly contested.

(b) Rupees 5,107-12.

Buildings for Gopalgunj munsifi.

146. Babu BHISHMADEV DAS: (a) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether any offer of suitable buildings has been made by the public for the proposed munsifi at Gopalgunj?

(b) If so, are the Government considering the desirability of accepting the offer?

(c) Will the Hon'ble the Member be pleased to state when the proposed munsifi is likely to be established?

The Hon'ble Sir ABD-UR-RAHIM: (a) Yes.

(b) Yes. The District Judge has been asked to negotiate with the parties offering the building and to settle the rent for it in consultation with the Public Works Department.

(c) As soon as negotiations are satisfactorily completed and the buildings are ready for use.

Settlement Records in Civil Courts.

147. Babu BHISHMADEV DAS: (a) Is the Hon'ble the Member in charge of the Judicial Department aware that copies of settlement records are not furnished to the public from the originals kept in Civil Courts?

(b) Are the Government considering the desirability of issuing orders for granting copies from those record books?

The Hon'ble Sir ABD-UR-RAHIM: (a) and (b) The originals of settlement records are not kept in the Civil Court, but in the Collectorate record-rooms. The Civil Courts are provided with a copy of the records, but copy of a copy is not evidence.

"Peshkesh jama."

148. Babu SARAT CHANDRA JANAH: (a) Referring to my unstarred question No. 73 of the 1st April, 1921, will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to say whether the Government are considering the desirability of issuing a direct order upon all its subordinates in the department con-

cerned not to realise any *peshkosh jama* from the prayers thereof by the issue of certificates, if the *jamas* are tendered to the tahsildars or by money orders through the post office?

(b) Is the Hon'ble the Member aware that the letter No. 4050G.E., of the Secretary of the Board of Revenue to the Commissioner of the Burdwan Division, dated the 6th of December, 1917, referred to in the answer to my said question No. 73, has not been properly construed by its subordinates and that cases have occurred in which certificates have been issued for realisation of the arrears of *peshkhosh jamas* on the payer's refusal to compound the same at the rate of 25 years' purchase, even though the tenants were willing to pay the exact amount of the arrears?

(c) What steps have the Government taken to put a stop to this procedure?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN : (a) Government do not consider it necessary to issue any such orders.

(b) No.

(c) The replies above will show that the question does not arise.

Case of one Ibrahim of Bafta (Bhola), once a criminal lunatic.

149. Maulvi AZAHARUDDIN AHMED: (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state why one Ibrahim of Bafta, police-station Bhola, district Bakarganj, now in the Lunatic Asylum of Dacca, has still been kept in custody, although he was declared sane since April, 1921, by the Superintendent of the Lunatic Asylum of Dacca and acquitted by a Deputy Magistrate of Barisal in August, 1921?

(b) Will the Hon'ble the Minister be pleased to lay on the table a copy of each of the following papers relating to the case:—

(i) judgment;

(ii) deposition of the Civil Surgeon of Barisal;

(iii) report of the Superintendent of the Dacca Lunatic Asylum;

(iv) report of the case to Government by the trying Magistrate; and

(v) orders of the Government on the report?.

The Hon'ble Sir SURENDRA NATH BANERJEE: (a) The trying Magistrate ordered the accused after acquittal to be kept in a lunatic asylum under section 471 (i), Criminal Procedure Code. It then became competent for the Asylum Visitors to certify under section 474, Criminal Procedure Code, that the accused may be discharged or under section 475, Criminal Procedure Code, any relative or friend of the accused might have moved for the delivery of the accused to his care and custody. As a

matter of fact, the accused was found by the Medical Officer to be liable to periodic access of violence at the time of his admission into the Asylum, and his relatives at that time were not willing to take charge of him. He was subsequently reported to have recovered his sanity and was placed on trial and acquitted, as previously stated. He has been in the interim under observation of the Visitors and Superintendent of the Asylum, who have now been asked to report whether he can be safely discharged with or without security.

(b) A copy of the papers referred to is laid on the Library table.

Electoral roll for election from Bengal to Indian Legislative Assembly.

150. Babu INDU BHUSHAN DUTTA: Will the Hon'ble the Member in charge of the Appointment Department be pleased to lay on the table a statement showing separately, district by district, the number of Muhammadans and non-Muhammadans in the Presidency of Bengal, who were eligible to exercise the right of franchise at the last election of members of the Indian Legislative Assembly?

The Hon'ble Sir HENRY WHEELER: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 18.

Name of District.	Muhammadans.	Non-Muhammadans.
Burdwan ...	1,164	5,961
Birbhum ...	814	3,119
Bankura ...	323	7,366
Midnapore ...	493	6,628
Hooghly ...	1,174	7,144
Howrah ...	2,055	5,807
24 Parganas ...	5,220	17,830
Calcutta ...	822	6,695
Nadia ...	1,517	6,045
Murshidabad ...	1,274	4,303
Jessore ...	2,214	4,414
Khulna ...	2,267	4,400
Dacca ...	1,829	5,911
Mymensingh ...	3,422	6,099
Faridpur ...	2,230	5,808
Bakarganj ...	7,516	6,020
Chittagong ...	6,036	4,696
Tippera ...	1,297	3,054
Noakhali ...	4,693	2,492
Rajshahi ...	1,629	2,452
Dinajpur ...	2,111	3,014

Name of District.	Muslims.	Non-Muslims.
Jalpaiguri ...	1,818	3,307
Rangpur ...	4,582	3,855
Bogra ...	729	945
Pabna ...	657	2,410
Maldah ...	605	1,125
Total ...	59,591	130,300

Pay of compounders.

151. Babu HEM CHANDRA BHATTACHARJI: (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the Government are considering the desirability of improving the pay and prospects of compounders?

(b) If so, what improved scale of pay are the Government contemplating to sanction?

(c) Has the Hon'ble the Minister received any petition from the compounders?

(d) Are the Government considering the desirability of—

- (i) placing the compounders under the Surgeon-General with the Government;
- (ii) training them in nursing, first aid to the injured, aseptic dressing, anæsthetic work and assisting during operations; and
- (iii) furnishing them with suitable quarters?

The Hon'ble Sir SURENDRA NATH BANERJEA: (a) Government are advised that, having regard to the provisions of section 46 of the Bengal Municipal Act, and of section 33 of the Local Self-Government Act, Government have no authority to fix the pay of the compounders employed in the local fund (municipal and district board) hospitals and dispensaries. So far as the compounders in State hospitals and dispensaries (classes I and II) are concerned, Government are considering the desirability of improving their pay further.

(b) Government are awaiting proposals from the Surgeon-General regarding the improvement of pay of the compounders in State hospitals and dispensaries.

(c) Yes.

(d) (i) The compounders employed in local fund hospitals and dispensaries are directly under the control of the local authorities concerned and cannot be placed under the control of the Surgeon-General.

(ii) The member is referred to rules 11 and 13 of the rules for the compounders' classes issued under notification No. 1411Medl., dated the 7th July, 1913, a copy of which is placed on the Library table. There is no proposal before Government for amending these rules.

(iii) Compounders attached to indoor hospitals are provided with free quarters or granted house-rent in lieu thereof to enable them to live in the vicinity of the hospitals. Compounders attached to outdoor dispensaries are not provided with free quarters or granted house-rent.

Recruitment to Bengal Pilot Service.

152. Rai Dr. HARIDHAN DUTT Bahadur: (a) Will the Hon'ble the Member in charge of the Marine Department be pleased to state what definite steps have been taken to give practical effect to the resolution adopted by this Council on the 6th April, 1921, to amend the rules for recruitment to the Bengal Pilot Service?

(b) Has there been published any public notice calling for applications from Indian and Anglo-Indian candidates?

(c) If so, will the Hon'ble the Member be pleased to place on the table the text of the advertisement for the information of the members of the Council?

(d) Will the Hon'ble the Member be pleased to state also whether any applications were received in response to any such notice?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. H. Kerr):

(a) Revised rules for the appointment of candidates to the Bengal Pilot Service were issued with Marine Department notification No. 127 Mnc., dated the 22nd August, 1921, which appeared in the *Calcutta Gazette* of the 24th August, 1921, and was also sent to the principal newspapers for publication.

(b) Yes; a notice was published in the *Calcutta Gazette* and the newspapers.

(c) A copy of the advertisement has been placed in the Library.

(d) Yes; 16 candidates applied, but none of them possessed the qualifications prescribed in the rules.

Recording of speeches delivered in Bengali in Council.

153. SHAN SYED EMDADUL HAQ: Will the Hon'ble the Member in charge of the Legislative Department be pleased to state—

(i) What steps, if any, are at present being taken to report *verbatim* the Bengali speeches of this Council; and

(ii) whether the Government contemplate encouraging Bengali shorthand writers by announcing prizes to those who may be successful in open competitive periodical examinations?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Henry Wheeler): (i) The procedure that has been adopted is as follows:—

To allow of an English translation of a *précis* of a speech delivered by a member in a vernacular to appear in the official proceedings of the Council, it will be necessary for a member so speaking to hand to the Secretary to the Council a certified vernacular *précis* of his speech within 24 hours of its delivery. On receipt of such a *précis* the Secretary will have the same translated by the Government translator and the translation will be published in the report of the proceedings, with an explanatory footnote.

Bengali-speaking members may also, if they so desire, dictate their speeches, immediately after delivery in Council, to the senior assistant of the Legislative Department. The speeches will then be incorporated in the official report with an explanatory note.

(ii) The answer is in the negative.

Alleged outrage at Nilphamari.

154. **Maulvi HAMID-UD-DIN KHAN:** (a) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether Government contemplate holding any inquiry by a committee consisting of officials and non-officials, with a non-official majority, into the alleged outrage at Nilphamari in the district of Rangpur on the 28th of December, 1921, by Gurkha police?

(b) If the answer to (a) is in the negative, will the Hon'ble the Member be pleased to state—

(i) who gave the order to open fire, and

(ii) whether it is in the contemplation of Government to give any compensation to the people who were wounded?

The Hon'ble Sir HENRY WHEELER: (a) The answer is in the negative.

(b) (i) No actual order to fire was given. The facts were detailed in answer to a question of Rai Radha Charan Pal Bahadur in the Legislative Council on the 24th ultimo.

(ii) No recommendation to that effect has so far been made by the local officers. Inquiry is being made as to whether there is any case for action on these lines.

Civil disobedience and interests of zamindars. •

155. **Babu SURENDRA NARAYAN SINHA:** (a) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether the Government contemplate holding a conference with the zamindars and others in order to devise ways and means to deal with or to counteract the cult of civil disobedience?

(b) If so, when is such a conference likely to be held?

(c) If the answer is in the negative, will the Hon'ble the Member be pleased to state what action, if any, have the Government decided upon

to take to protect the interests of the zamindars and others who are likely to suffer most?

The Hon'ble Sir HENRY WHEELER: (a), (b) and (c) Government is in constant touch with all interests likely to be affected were a general movement of civil disobedience to be inaugurated, and they do not consider that any formal conference needs to be convened at the moment. The action to be taken by Government in the event of such a movement clearly depends on its nature and extent.

Attendance on holidays in the Bengal Secretariat.

156. Munshi AYUB ALI: (a) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether it is a fact that all departments of the Bengal Secretariat are kept partially open during gazetted holidays and whether all assistants are required to attend office on those days by turn?

(b) If so, are they allowed any extra remuneration or compensatory leave for such attendance?

(c) If not, why not?

(d) Are the assistants whose homes are in the interior of the province exempted from such attendance, especially during the *Durga Puja* and X'mas holidays, to enable them to go home to visit their family and relations occasionally?

(e) Are the Government aware that a considerable amount of discontent prevails amongst the assistants on this account?

(f) If so, what steps are the Government contemplating taking to allay the discontent?

The Hon'ble Mr. J. H. KERR: (a) The attendance of a few assistants in office on gazetted holidays is necessary for the disposal of urgent public business. This duty is taken in turn.

(b) and (c) No. Such duty is an ordinary incident of whole-time service. In the Legislative Department, where the volume of work varies very much from time to time, compensatory leave is sometimes allowed when the state of the work permits.

(d) Yes, so far as work permits.

(e) No.

(f) The question does not arise.

Persons dealt with under section 144 (1) of the Criminal Procedure Code.

157. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Political Department be pleased to lay on the table a list showing the names of persons dealt with under section 144 (1) of the Criminal Procedure Code for political work, stating

the apprehended act or acts on their part, for which immediate prevention or speedy remedy was thought desirable in each case?

The Hon'ble Sir HENRY WHEELER: Full information is not in the possession of Government and it is not considered necessary to undertake the labour of compiling it. It is assumed that the expression "political work" has reference to such activities as the making of seditious speeches or the stirring up of violent and inflammatory agitation, etc.

Murder cases in the 24-Parganas district and in the Basirhat subdivision.

158. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Police Department be pleased to lay on the table a statement showing for the last five years separately for the 24-Parganas district and the subdivision of Basirhat—

- (i) the number of murders that were reported; and
- (ii) the number of reported murder cases in which the culprits were detected and punished?

The Hon'ble Sir HENRY WHEELER: (i) and (ii) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 26.

(i) MURDER CASES IN THE DISTRICT OF 24-PARGANAS DURING THE YEARS 1917 TO 1921.

			Number of murder cases reported.	Number of reported murder cases in which the culprits were detected and punished.
24-Parganas district—				
1917	...	...	37	1
1918	...	...	38	2
1919	...	...	31	2
1920	...	...	47	3
1921	...	...	36	3

(ii) MURDER CASES IN BASIRHAT SUBDIVISION DURING THE YEARS 1917 TO 1921.

Basirhat subdivision—				
1917	...	...	14	Nil
1918	...	...	14	2
1919	...	...	10	Nil
1920	...	...	17	2*
1921	...	...	17	1†

* One pending trial at the Sessions.

† Pending trial at the Sessions.

Calcutta House Allowances.

159. Rai Dr HARIDHAN DUTT Bahadur: (a) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether there is any departmental order or circular under which a special Calcutta House Allowance is allowed to the highly paid officers (Imperial Branch) stationed in Calcutta?

(b) If so, will the Hon'ble the Member be pleased to place a copy of that order or circular on the table for information of the Council?

(c) Will the Hon'ble the Member be also pleased to state whether there is any contemplation to enhance still more the scale already provided or to bring under its operation still more highly paid grade of officers who are at present debarred from drawing the Calcutta House Allowance?

(d) If so, are the Government considering the desirability of placing before the Council any proposed change of amendment contemplated of the aforesaid order or circular for discussion and consideration of the Council?

The Hon'ble Mr. J. H. KERR: (a) and (b) A copy of the rules of the Calcutta House Allowance Scheme has been placed on the Library table. The allowance is not confined to officers of all-India services.

(c) In view of the marked change in conditions since the present scheme was introduced its revision is under consideration.

(d) If it is decided to make any change, the revised proposals will be placed before the Council before they are given effect to.

Waiting-room for females at Barisal steamer station.

160. Maulvi FAZLAL KARIM: (a) Will the Hon'ble the Member in charge of the Marine Department be pleased to state—

(i) whether it is a fact that there is no urinal attached to the waiting room for females at the Barisal steamer station; and

(ii) whether it is a fact that passengers from Dacca or other places have to wait from 6 to 12 hours in the waiting room in order to avail themselves of other steamers on different services?

(b) Are the Government considering the desirability of inviting the attention of the steamer company to the defect of the want of a urinal?

The Hon'ble Mr. J. H. KERR: (a) (i) Yes.

(ii) Through-booked passengers from Dacca and elsewhere, who are waiting for other steamers at Barisal, are permitted the use of steamers with suitable latrines and have no need to visit the waiting-rooms for males or females.

(b) The matter was brought to the attention of the steamer company, who have replied as in (a).

Recruitment of thirteen Assistant Superintendents of Police.

101. Babu SURENDRA NATH MALLIK: Will the Hon'ble the Member in charge of the Appointment Department be pleased to state what effect, if any, has been given to the resolution of the Council passed in the month of August last recommending that no further recruitment of the remaining thirteen Assistant Superintendents of Police be made this year from England?

The Hon'ble Sir HENRY WHEELER: A copy of the resolution, together with a copy of the debate in the Legislative Council, has been forwarded to the Government of India for transmission to His Majesty's Secretary of State for India.

The DEPUTY-PRESIDENT: Before we commence the proceedings of the day, I think it would not be out of place, in view of certain events which have recently taken place, to refer to a matter closely connected with the dignity of the House. We are all interested in maintaining the dignity of the Council and should do our best to see that nothing is done which might lower it in the estimation of the public or of ourselves. It is needless for me to say that the hon'ble members of this Council should not make personal attacks against any member or use offensive expressions against any member, be he an official or a non-official member. I hope and trust the members of this Council will scrupulously guard against any tendency to depart from this sound and well-recognised principle.

Babu SURENDRA NATH MALLIK: May I request you to see that this portion of the proceedings does not appear in the Press?

The DEPUTY-PRESIDENT: If it forms a part of the proceedings of the meeting, it must be made public.

Rai RADHA CHARAN PAL Bahadur: Cannot you restrain the newspaper reporters?

The DEPUTY-PRESIDENT: No, that is certainly not desirable.

Budget of the Government of Bengal.

The Hon'ble Mr. J. H. KERR: I have the honour to represent the Budget estimates of the Government of Bengal for the year 1922-23. The civil estimates are, as usual, accompanied by the financial statement, explaining in detail the variations under the different major heads of the Budget. In drawing up this review, we have endeavoured to meet the criticisms which were levelled at us last year regarding the insufficiency of the information which we supplied, and I trust that the explanatory memorandum will furnish members of this Council with most of the information they will require when we come to deal with

the voting of grants. The general financial situation of the Government of Bengal has been the subject of frequent discussion in this Council during recent months. The broad outlines of the situation are only too familiar to all of us and I need not take up the time of the Council by making a lengthy speech on the subject this afternoon.

The figures in the Budget now presented do not differ materially from those which I gave to the Council when I introduced the taxation Bills last month. The revised estimates for the current year show a decline both under receipts and under expenditure. The decrease in receipts is unfortunately over Rs. 76 lakhs, of which Rs. 52 lakhs occurs under the three main revenue-producing heads, land-revenue, excise and stamps. The falling-off in land-revenue is largely due to the postponement of the collection of settlement charges which followed inevitably on the decision to reduce the settlement programme on account of the financial stringency; and we shall, we hope, make good this deficiency next year. The falling-off in excise and stamps is more serious. It is due to various causes, but mainly, to the depressed state of trade and industry during the year. It is impossible for us to say when a normal state of affairs will be restored in this respect.

On the expenditure side, the revised estimates show a saving of Rs. 68 lakhs over the original estimates, mainly due to retrenchments which we were forced to effect in view of the financial situation. For next year we budget for a slight improvement in the receipts and for a still further retrenchment in the expenditure and the net result is a deficit of Rs. 120 lakhs which we hope to cover, as the Council know, by the taxation proposals which we introduced last month and which we hope to pass next month. I do not propose to go into details to-day in regard to the budget demands of the various departments. The time for that will come later. I am afraid the Council will be to some extent inconvenienced, in comparing the budget figures for next year with those of the current year owing to certain changes in the classification which have been made under the orders of the Government of India. Two of these are important and may be briefly mentioned. Under Land-revenue, we formerly used to show half of the charges of district administration, the other half being shown under the head "Administration of Justice." Under the orders of the Government of India a new sub-head "District Administration" has now been introduced under the major head "General Administration." The result is a large apparent decrease in the expenditure under the "Land-revenue" head and a corresponding increase under "General Administration." There are also some rather important and complicated changes in the irrigation budget which are explained in the memorandum.

The Budget now presented is not a production of which anyone can feel proud. It will give no satisfaction to those members who last

year reproached us on the ground that the Budget showed lack of imagination and no signs of any constructive programme on the part of the Ministers. Once again, we have to budget for a large deficit, and the consequence is that we have had to frame our proposals in a spirit of rigid and parsimonious economy. It is not to be expected, therefore, that this Budget will show any indications of a broad and generous programme for the improvement of the conditions of life in this Presidency on the lines which many members of this Council would like to see adopted. The Budget, in fact, does not profess to do more than provide for the bare needs of the administration. The Finance Department have been compelled to prune the departmental budgets ruthlessly in spite of protests from Members and Ministers, and the result is that Mr. Spry and I are at the present moment the two most unpopular men in Writers' Buildings. Our hope that we should receive support from the Standing Committees in the matter of retrenchment has not been realised. On the contrary, most of the Standing Committees have pressed for a larger provision of funds than we have been able to make. The proceedings of the Standing Committees show that they went through the budgets carefully and thoroughly and the fact that they have not been able to suggest any further material retrenchments supports our contention that it is not possible to go further in the way of cutting down the demands of the various departments for the money they require in order to carry out the bare essentials of their administrative responsibilities. In these circumstances, it is not a matter for surprise that the Budget makes no provision for new schemes and that we have been compelled to suspend the undertaking of all new works.

There are, however, good grounds for hope that this is the last of the deficit budgets that we shall have to present to this Council. If the Council passes the taxation Bills which have been placed before it, we should in future years be able to show a small surplus; but we cannot take that surplus into account at the present stage, because the Bills have not yet been passed by the Council. What we propose to do, therefore, is to submit to the Council a supplementary Budget after the Bills are passed. In that Budget, we shall show how we propose to deal with any surplus that we may then enjoy. What that surplus will amount to, it is impossible for me to say at present. It will be seen from the Reports of the Select Committees on the taxation Bills, which I shall present to the Council at a later stage in to-day's proceedings, that the Select Committees have already proposed certain reductions in the taxation demands which the Bills originally contained. We hoped, under our original proposals, to get in a sum of about Rs. 150 lakhs from the proceeds of new taxation. The changes effected by the Select Committees will, so far as we can judge at present, reduce this amount to something in the neighbourhood of Rs. 140 lakhs. That will leave us a surplus of only Rs. 20 lakhs over the estimated deficit for next year. But if the taxation proposals go through in the form proposed by the Select

Committees, and if we can count on a permanent addition to our revenues of Rs. 140 lakhs or Rs. 150 lakhs, we feel that we shall be justified in meeting Rs. 40 lakhs of the next year's deficit from our balances. If we are placed in a position under which we can reasonably estimate for a moderate working surplus in normal years, we shall be justified in keeping our balances at a comparatively low figure; and if we find that we can safely reduce them to Rs. 20 lakhs our revenue deficit next year will be reduced to Rs. 80 lakhs. The new taxation should then provide us with a surplus of about Rs. 60 lakhs available for expenditure next year. Proposals for the expenditure of this surplus will, as I have said, be laid before the Council in due course, when we are in a better position to estimate what our surplus will be. I would merely urge for the moment that the Budget, which I am presenting to-day, should not be regarded as our complete Budget and that we should not be judged on that Budget. The Budget provides merely for the essential needs of the administration and has been drawn up on the assumption that we shall receive no further revenue during the coming year. That assumption will, I hope, be falsified and we shall then be able to put our further proposals before the Council.

As usual, there will be no discussion on the Budget to-day, but from the 27th of February onwards, the Budget will be thrown open to general discussion. We propose to follow the same practice that we adopted last year, of allowing non-official members, in the first place, to offer such remarks as they may wish to make. The Members of the Council and the Ministers will then deal with the questions which will be raised in the course of the debate and clear the way for the voting of grants which will begin from the 18th of March. I would merely add now that in the course of the coming week, if any Members of Council desire further information on the Budget now presented, Mr. Spry and myself will be happy to see them at any time and to supply any explanation that may be required on points which are not clear to them.

Government Bills.

The Calcutta Municipal Bill, 1921.

The Hon'ble Sir SURENDRA NATH BANERJEA: I beg to move for leave to defer the motion for the reference of the Calcutta Municipal Bill, 1921, to a Select Committee to a later session of the Council.

This is a formal matter. We have circulated the Bill among the public bodies. We have not received their replies yet. The formation of Select Committee under the circumstances would be premature. Therefore, we are obliged to defer the constitution of

the Select Committee till the time when these replies are received. As a consequence I have to move for leave of the House to defer the reference to the Select Committee to a later date.

The motion was then put and agreed to.

The Bengal Aerial Ropeways Bill, 1921.

The DEPUTY-PRESIDENT: I am informed that the report of the Select Committee on the Bengal Aerial Ropeways Bill, 1921, has not yet been printed. Therefore items Nos 5 to 7 in the Agenda stand over.

The Bengal Amusements Tax Bill, 1922.

The Hon'ble Mr. J. H. KERR: I beg to present the report of the Select Committee on the Bengal Amusements Tax Bill, 1922.

The changes which have been made by the Select Committee will be apparent from their report. As I promised the Council when I moved that the Bill be referred to a Select Committee, we summoned before us the representatives of the principal theatres and cinemas in Calcutta, and they showed us beyond any shadow of doubt that their industry was very much depressed at the present time, and that taxation on the scale proposed in the original Bill would tend to press very severely on the industry. We were impressed by their arguments, but we discovered from the full accounts, which they showed us, that the amount of money taken from the Calcutta public on these entertainments during the last year—admittedly a year of great depression—was well over Rs. 30 lakhs. We did not, therefore, feel justified in abandoning this tax altogether, but we have changed the rates to be charged on admission tickets to cinemas and theatres and similar places from 25 per cent. to something between 12½ and 15 per cent. all round. We have also decided to recommend that no entertainment tax should be levied on tickets below eight annas. I do not think I need add any further remarks in regard to this report.

The Bengal Court-fees (Amendment) Bill, 1922.

The Hon'ble Mr. J. H. KERR: I beg to present the report of the Select Committee on the Bengal Court-fees (Amendment) Bill, 1922. Here again the report will show that we have made considerable and important reductions on suits of low value in accordance with the general wish, which was expressed in the Council last month, that we should do all that is possible to avoid hardship to the poorer classes. I do not propose to go into details on this subject this afternoon, but there is one very important point which is raised in the minutes of dissent on this Bill and the Stamp Bill on which I should like to say a few words.

There is a proposal that the operation of these taxation Bills should be limited to three years. The advocates of this proposal urge that the Government of India have remitted our provincial contribution of Rs. 63 lakhs for three years only, and that if at the end of that period, they find us comfortably off, they will be tempted to re-impose the contribution. Well, that point of view is intelligible, but I think its advocates overlook the fact that the Rs. 63 lakhs is only a comparatively small item in our list of complaints against the Government of India. We have always said that we regard the remission of the Rs. 63 lakhs as affording us entirely inadequate relief, and we have made it clear—His Excellency has made it clear—that we do not propose to relax our protests until the whole settlement is revised in an equitable manner. It is impossible for me to prophesy what may happen during the next three years, but it is much more probable that a general revision of the settlement will be initiated during that period than that the end of the three years will find us in a position where nothing more than Rs. 63 lakhs is at stake. The proposal to limit the Bills to a period of three years is, therefore, rather like getting ready a weapon for a fight which may not take place at all, but which, if it does take place, will probably assume a form which none of us can anticipate at the present moment.

The real argument against the limitation of taxation to three years is, however, the practical one. The Budget for next year, which I have just presented, shows a deficit of Rs. 120 lakhs. The taxation Bills, if they go through substantially in their present form, should bring us an income of about Rs. 140 lakhs, or Rs. 20 lakhs above our present deficit. But, if we can count on these Bills, as giving us a permanent source of revenue of Rs. 140 lakhs, the benefits that we shall gain will be far in excess of the comparatively small surplus that we shall obtain over our present deficit. In the first place, given a moderate surplus on which we can permanently count, we shall be able to raise a loan for capital expenditure, thereby relieving our revenue budget. Members of this Council of all shades of opinion, who have any experience of financial administration, have urged on the Government the necessity of taking this course. It is not sound that a great Government or a great Corporation should defray the cost of its capital schemes from revenue. We have had to do that hitherto, because we have never had any assured income of our own, but now that we have got an assured income, we should take the first opportunity of putting our finances on a sound footing by financing capital works from loans. That is the first advantage which an assured surplus would give us.

In the second place, if we are in a position to raise a loan for capital works, we can safely reduce our balances to a very moderate figure; as at present advised, we think that Rs. 20 lakhs would be

sufficient for this purpose. If we adopt this course, our revenue deficit next year will be reduced to Rs. 30 lakhs, and we should have a revenue surplus of about Rs. 60 lakhs available for new schemes. With the aid of this surplus and of the loan for capital works, Ministers should be able to inaugurate a policy of expansion of the activities of the transferred departments—a matter which is pressed upon us in the great majority of the non-official resolutions that are moved in the Council.

What I have said is based upon the assumption that we can count on this taxation as a permanent source of revenue, or at any rate, that we can be assured that the taxation will not be remitted unless we get a corresponding amount of revenue from other sources. Let us consider for a moment what would happen if the taxation Bills were limited to a period of three years. At the end of three years, there will be a new Council. If that Council refused to renew the taxation Bills, and if the Government of India re-imposed the provincial contribution of Rs. 63 lakhs, we should be faced with another deficit approaching 2 crores of rupees. With this prospect in view, I doubt very much whether Government would be justified in raising a loan for capital works. It would be very risky for Government to burden itself with a loan, when it knew very well that there was at least a risk, which it would have to take into account, of a large deficit at the end of three years, and the possibility of having to meet the loan charges by curtailing essential administrative requirements. If, then, we decided that the prospect of this taxation being available for three years only did not justify us in raising a loan, we should not find it possible to reduce our balances much below their present figure of Rs. 50 or Rs. 60 lakhs. I would remind the Council that our deficit for next year has been reduced to Rs. 120 lakhs by cutting out all provision for new capital works. It is obvious, however, that this state of affairs could not continue indefinitely. Urgent demands for capital works are sure to be pressed upon us by all departments—in fact they are coming in now much more frequently than I care to see—and we should have to conserve our balances to meet demands of this nature. The result is that our surplus next year would be reduced to the difference between our deficit and the proceeds of the new taxes, that is to say, we should have a surplus of only about Rs. 20 lakhs and we should have to keep this for capital works and for the normal growth of recurring expenditure. It would not be possible for us to launch out on any new schemes of any magnitude involving recurring expenditure. Our position for the next three years during which the taxes will be in force would be the same. The most we could expect would be a small annual revenue surplus of Rs. 20 lakhs or so for three years with the prospect or at least the possibility of a huge deficit at the end of that period. So I say that if these taxation Bills are limited to a period of three years, we shall be in very much the same position as at present. We should have no money to spare for

new schemes, however deserving, or however much they may be desired by this Council or the country. Surely, this is not a state of affairs that can be desired by any member of this Council, least of all by those who are always pressing upon us the urgent need for schemes of development in the transferred departments. Surely, it would be very much better to take the bull by the horns: give us this taxation as a permanent source of revenue on which we can count, until we can increase our resources in other ways, instead of imposing this restriction of three years in the hope that we should thereby be placed in a better position to fight a battle which may never come off and which, as I have said, will almost certainly not come off in the form which the advocates of this measure anticipate. There will be plenty of time between now and the 8th of March, when the taxation Bills will come up for discussion, for members of the Council to think over the situation, and I trust that the remarks which I have made to-day will receive their careful consideration.

The Bengal Stamp (Amendment) Bill, 1922.

The Hon'ble Mr. J. H. KERR: I beg to present the report of the Select Committee on the Bengal Stamp (Amendment) Bill, 1922.

Here again we have made a few small alterations in the way of relief to the poorer classes. We have also made important alterations in drafting to meet various points of legal difficulty which will arise from the fact that Bengal will in future have its own stamp law. These alterations are mostly of a technical nature, and I do not think I need take up the time of this Council by describing them.

Demands for Grants.

The DEPUTY-PRESIDENT: I am informed that there are no demands to be made to the Council at this meeting.

Ballot for resolutions—Finance Bills.

The DEPUTY-PRESIDENT: A ballot for resolutions admitted for the 27th February will be held in the Committee Room in the Town Hall at 11 A.M. to-morrow.

I have also to inform the members that His Excellency the Governor has fixed the 8th to the 10th March and the 14th to 17th for the motions for the consideration and passing of the three Finance Bills.

Copies of the report of the Select Committee on the Court-fees Bill are now placed in the hands of members. It is hoped to place copies of the other two Bills, with the report of the Select Committees thereon, in the hands of members to-morrow or at the latest by the 24th.

Notice of amendments to the Bills should be sent so as to reach the Secretary by the 2nd March at the latest.

Non-official Member's Bill.**The Bengal Muhammadan Marriages and Divorces****Registration (Amendment) Bill, 1921.**

SHAH SYED EMDADUL HAQ spoke in Bengali. The English translation of his speech is as follows:—

As the opinions of all the public bodies to which the Bill was circulated have not yet been received and as the Bill, under the rules of business, will lapse if no further motion is made now, I move for the leave of the House to defer the motion for reference to a Select Committee to a later session.

The motion was put and agreed to.

Resolutions

(under the rules for the discussion of matters of general public interest).

Recruitment of Indian Deputy Commissioners, Calcutta Police.

Mr. BIJOY PRASAD SINGH ROY: I move that "this Council recommends to the Government that steps be taken so as to provide that half the number of Deputy Commissioners of the Calcutta Police be Indians."

I need hardly say what is my object in placing this resolution before the House at a time when a high tension of feeling is prevailing against the Police Department and when it has to perform a very unpleasant duty of making indiscriminate arrests all over the country and especially in Calcutta. It is a duty unpleasant for all human beings and it is more so for an Indian to deprive another Indian of his personal liberty for offences which are considered by many as instances of noble sacrifice in the country's cause. Whatever may be the opinion in some quarters, I place this resolution before the House with the greatest reluctance and I do it with a full sense of responsibility that if it is accepted by the House, and if the Government are pleased to give effect to it, I would be thrusting an undesirable duty on at least two Indian members of the Imperial Police Service. I beg to assure the House first of all that, in moving this resolution, I have not been actuated by any prejudice against the European members of the Police Service nor is it my intention to raise racial questions. My only object is to secure some advantages for the residents of Calcutta and thereby to allay, to a certain extent, the ill-feeling which at present exists between them and the authorities of the Calcutta Police. It may be interesting to know that the supervising staff of the Calcutta Police at present consists of 1 Commissioner of Police, 7 Deputy Commissioners and 13 Assistant

Commissioners. Of these 20 officers, only 6 are Indians, namely, 1 Deputy Commissioner and 5 Assistant Commissioners. The Commissioner, as the head of the Metropolitan police, is responsible to the Government for the good management of the force under him and for the maintenance of law and order in this city. The Deputy Commissioners are very responsible officers having direct charge of the various departments or the administrative units into which the Calcutta Police administration is divided. The authority of these Deputy Commissioners is practically supreme in their own departments, only subject to a formal control and supervision of the Commissioner of Police. I do not think it is necessary for my present purpose to give further details of the police administration of Calcutta or of any of its departments. According to the recommendations of the Public Services Commission, 33 per cent. of the appointments in the Imperial Police Service should be given to the Indians. Of these 33 per cent. two-thirds should be appointed by direct recruitment and one-third by promotion from the Deputy Superintendents, but up till now there was no direct recruitment, and this question of direct recruitment, it may be remembered, was thrashed out in this Council a few months ago by my learned friend Babu Surendra Nath Mallik, in connection with the appointment of Assistant Superintendents of Police. At present there are altogether 117 officers; of these only 13 are Indians, some of whom are permanent members of the Service and some are only officiating members. So that if the recommendations of the Public Services Commission were given effect to, the number should have been at least 39. Of these 39, 26 should have been directly recruited and 13 should have been recruited by promotion from the Deputy Superintendents.

My suggestion is that half the number of Deputy Commissioners of the Calcutta Police should be Indians. This would require that at least three of them should be Indians. This can be effected either by transfer of the Indian members of the Police Service from the districts to Calcutta, or by promotion of the Assistant Commissioners of the Calcutta Police. The most obvious objection of Government to promotion may be that there are already 13 Indians—the number of promotions sanctioned by the Secretary of State—so no fresh appointment can be made by promotion. It may be observed, in reply, that the Government of Bengal were not very diligent in giving effect to the recommendations of the Public Services Commission, and they cannot consistently plead that they cannot appoint two or three more officers to the Imperial Police Service by giving promotion. I hope the Government will not attempt to put forth this plea of statutory bar.

In these days of constant trouble and political agitation, the supervising officers of the Police Service have constantly to come in contact with political agitators and to face very difficult situations—situations which require presence of mind, sobriety of judgment and tact in handling. Calcutta, as the capital of the Presidency, and centre of learning,

is naturally the nursing ground of all political agitations. So it is necessary that officers of the Calcutta Police should be composed of men possessing wider knowledge of human nature and enjoying confidence both of the Government and the public alike. The Public Services Commission and all other bodies which have investigated into the conditions of services in this country have recommended, without exception, the admission of a greater number of Indians in the Public Services, and this recommendation has been repeated not only because the number of qualified Indians is gradually increasing, but also because Indians have certain advantages over foreigners, however great the efficiency of the latter may be. They never learn the language of the country and get very little opportunity of knowing the life, manners and customs of the children of the soil. These Deputy Commissioners of Police generally begin their career as Assistant Superintendents and, in course of five or six years, they come up to the position of Deputy Commissioners. These young officers are generally placed over very experienced Assistant Commissioners so that these Assistant Commissioners in the name of "assisting," have often to coach their official superiors. Nationality, official position and the ignorance of the native language of these Deputy Commissioners often stand in the way of their freely mixing with their friends and acquaintances other than Europeans, and they are, therefore, to a certain extent, inaccessible to the public. It is well known that the efforts of the police in detecting crimes or in handling difficult situations are often frustrated if they do not get the co-operation of the public. The treatment accorded to some members of the public, whatever may be their political opinion, by some of the European officers of the Calcutta Police has made them very unpopular. Without attempting to cite particular instances of uncourteous behaviour, I shall show that they have lost the confidence of the public, the sympathy of even the sober, and loyal section of the citizens; this has told upon their usefulness. The country expects better treatment from the Indian officers, and, I hope, if they are appointed to the responsible post of Deputy Commissioners either by transfer from the districts or by promotion from Assistant Commissioners, who will be men of great experience, they will be able to regain the confidence of the public and re-establish the good name of the police in Calcutta. With these few words, I beg to commend the resolution to the acceptance of the House.

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Sahu INDU BHUSHAN DUTTA: In view of, the fact that the gradual Indianisation of the services is an already accepted principle of the Reform Scheme, I think the proposal of my friend is a very modest one, and I heartily support it. Only a few months ago, this Council passed a resolution that there should be no further recruitment for Imperial Police Service Officers in England. The object of that resolution was to give the Government an opportunity of gradually Indianising the Police Service. After the acceptance of that resolution by the

Council, I need hardly impress on the members of the Council that this resolution has also got to be accepted, as a corollary to the other one.

Both in the Council and outside, non-official members have urged that there should be greater co-operation between the public and the Police. Even His Excellency the Governor has been pleased to say in this Council that the need of co-operation between the Police and the public is paramount. We have heard in this Council that the people are generally to blame for not co-operating with the Police in the way in which they should do, but we have hardly had an opportunity of seeing the other side of the shield. Recently, a Police conference was held in Howrah, representing Indian Police Officers from all parts of India and in the presidential address of that conference, we were told that many Indian Police Officers have been taken to task by their superior European officers for freely mixing with the people. Can you co-operate with the people without mixing with them? It is a serious charge and Government should clear the ground by meeting the charge. At a time when we are all directed to co-operate with the Police—and even His Excellency has strengthened this point by referring to it in the Council—I think that every facility should be given for better co-operation between the Police and the public. It is an important fact—and it cannot be denied—that European officers of the Police department do not get an opportunity of knowing the social structure, characteristics and habits of the Indian people, over whom they are placed in charge, so easily as Indian officers can. It is not an uncommon fact that they do not know the language of the district or the province over which they hold sway. What is the result of this? The result is that they have to depend upon the reports of subordinates who often cannot be trusted. If good Indian officers are placed in the superior posts, we shall surely see greater co-operation and better facilities for mixing with the people than we see at present. Recently there have been cases, referred to by the Hon'ble mover of the resolution, in Calcutta, where the conduct, the behaviour of some of the European Deputy Commissioners has been unpleasant to the people. Some of these cases are *sub judice*, and it would not be fair on my part to make any comment on them, but the fact remains, that the people are dissatisfied and it is the paramount duty of the Government, in these days of stress and heart-burning, that whenever they have a chance, officers should not be sent to deal with the people, officers who have not that requisite degree of sympathy which is so much needed to meet difficult situations. That is one of the main reasons why we demand that Indian officers, who are sympathetic to the people, should be placed in charge of these high appointments.

With these few words, I beg to support the motion.

Raj MAHENDRA CHANDRA MITRA Bahadur: I beg to support this resolution. It is necessary in the interests of the public that there should be greater co-operation between the public and the police, and the popularity of the police depends upon this, and this only. Why is it

that the police are so unpopular? This question is the subject matter of talk in various circles and the question depends only on one thing, viz., sympathy between the people and the police. Many European officers are not in a position to grasp the importance of their daily duties, and they have to depend entirely upon the energy and efforts of their Indian officers. In cases of murder, the inquiries and investigations have to be made by the Indian officers, and the correct decisions arrived at, are based upon the reports submitted by them; consequently, the first-hand work, the first-hand inquiries and investigations have all to be made by Indian officers. The European officers are not in a position clearly to understand the subject matter of inquiry; the Indian officer, from his knowledge of the language, manners and customs of the country, is in a better position to appreciate the subject matter of these inquiries. If all these facts are taken into consideration, can there be any doubt in the minds of the members of this Council that the work—the subject matter for consideration—should be left to the Indian officers? These are the views which I submit for the consideration of the Council.

• **Babu SURENDRA NATH MALLIK:** I beg to support this motion, and regard being had to the fact that I have already said a lot about it a few months ago, on the question of the desirability of introducing a large number of Indians in the superior branches of the police, I do not like to reiterate all those arguments now and take up the time of the Council. To my mind the strongest argument in support of this motion is this: that we are now speaking of the Indian police service, and nobody has a greater right to be in that service than an Indian. It is my motherland and I want to serve my motherland, and my right is supreme. If one of the basic ideas of the Reform is the Indianisation of the services, then it is time that something should be done in that direction, some definite indication should be given by this time that this is really what the Government wants to do. Therefore, without taking up further time of the Council, I must say that I am in entire sympathy with this motion.

There is another point which I must ask Government to consider, and that is that there is a large amount of dissatisfaction amongst the Indian inspectors of the Calcutta Police, on account of the way in which their claims are overlooked in the interests of the European members of the service. There are very qualified men; there are honest men in the Calcutta Police—at least there are some—and they do not get recognition, because it is a fact that even Sergeants are promoted to the rank of Deputy Commissioners leaving out Inspectors of ability and unswerving honesty, and of good reputation. Therefore, in the interests of the Calcutta Police itself, there ought to be justice rendered to our Indian officers.

Again, there is no doubt that our Indian officers have shown the greatest possible courage in the face of all kinds of danger and difficulty

to which police officers are subjected from time to time. The Government have brought in a half-way house—that is, the Assistant Commissioners. The idea is to promote them up to this place and to keep them excluded from the higher post of Deputy Commissioner. The Government have done the same in the Bengal Police; they have brought in Deputy Superintendents from promoting efficient inspectors who are allowed to go up to that and can never aspire to anything higher. These half-way houses are our enemies and it is our duty to see that justice is done to our brother Indian officers in the service. In the interests of justice, in the interests of good administration, in the interests of removing great dissatisfaction that now exists among the Indian police officers, I respectfully submit that this resolution ought to be given effect to.

CHIEF SECRETARY TO GOVERNMENT (Mr. H. L. Stephenson):

I shall follow the example set by the mover of this resolution and avoid the thorny question of racial antagonism of the advantages and disadvantages of having a European service as against an Indian one. I would only diverge this far and say that I am not prepared to accept his statement that the Deputy Commissioners in Calcutta have lost the respect and confidence of the public. There is one other point I should like to correct him in. He said that most of the Deputy Commissioners had been brought to Calcutta after 4 or 5 years' service. The most junior Deputy Commissioner in Calcutta at the present time has 11 years' service.

Coming to the actual resolution, Sir, I am very glad to have another opportunity of trying to explain to the Council what the exact situation is. We have been accused—

MR. BIJOY PRASAD SINCH ROY: I rise to a point of order; may I know when the juniormost Deputy Commissioner was first appointed?

The DEPUTY-PRESIDENT: You cannot interrupt the member in his speech. You have a right of reply.

MR. H. L. STEPHENSON: I shall be very glad to give the member the information he wants afterwards. As I was saying, I am very glad to have this further opportunity of trying to explain what the actual situation is, with regard to which there seems to have been a great deal of misunderstanding. The Indian Police service is a service based on the same lines as the Indian Civil Service. It is recruited on a technical formula, and the basis of its recruitment is the number of superior appointments that are required in the province. To that is added a certain percentage of those superior appointments to provide for training and leave vacancies. That percentage is worked out on an average basis from figures for many years past. This is periodically corrected, and the whole theory is to give 65 superior appointments, which I think is the actual number now included in the cadre. In order to give 65 men to these appointments, you must add a percentage to that 65 in order

to give you your men in training and leave vacancies. The whole basis of recruitment is not the number of men in the service, but the number of superior appointments. The Public Services Commission recommended that a certain number of these appointments should be listed, i.e., should be thrown open for promotion from the provincial branches of the police service. At the time that they sat in Bengal, the percentage of superior appointments then listed was 5, and they recommended that we should gradually work up to 20 per cent. What Bengal has done is, that it has worked up to 10 per cent. and I think we may claim that this is higher than in other provinces. We are precluded, as the mover has pointed out, from going any further in working up to a higher percentage, by the orders of the Secretary of State, in regard to the percentages; they are based on the consideration of the needs of the police service over the whole of India. The present orders regarding the recruitment of the police service are that 33 per cent., not of the superior posts, but 33 per cent. of the recruitment every year is to be recruited from amongst Indians; of this 33 per cent. of the vacancies, one-third, viz., 11 per cent. is reserved for promotion from the Provincial service. The question was raised by Bengal last year—if you promote your Deputy Superintendents to the Imperial Police service as Assistant Superintendents at the bottom, you are not doing them very much good. We therefore went up to the Government of India, who agreed with our views, and the present orders are that instead of 11 per cent. of the vacancies every year being set aside for promotion of Deputy Superintendents, 11 per cent. of the superior cadre is listed, that is to say, instead of putting our Deputy Superintendents in at the bottom as Assistant Superintendents, we put them in at the top as Superintendents of Police in the superior appointments; therefore, it is wrong, it is a false analogy to say that there are 117 officers in the Imperial Police and only 13 are Indians. There is a wrong analogy because we put them in at the top. The right figure is that there are 63 or 65 superior appointments in the Police and 6 of these are held by Indians—promoted Deputy Superintendents.

As regards the system of taking 10 to 11 per cent. of the superior appointments and listing them as open to the Provincial police, it is in lieu of the annual recruitment of 11 per cent. out of the 33 per cent., which was to be reserved for the Provincial police. As regards the remaining 22 per cent. of the recruitment, the system is in force this year only, because this is the first year in which they have had a competitive examination for appointment to the Indian Police. That examination was held in December, and we have already asked the Government of India to recommend to the Secretary of State the appointment of two Indians from Bengal on the results of that examination, and we hope shortly to be able to announce their names. Therefore, I claim that the Bengal Government has done its best to carry out the recommendations of the Public Services Commission, as accepted finally by the Secretary of State and Parliament, and that they are not open to the

charge brought by the hon'ble mover that they are slow in moving in the matter.

If I have succeeded in explaining to the Council what the actual situation is as regards the Indian Police in Bengal at large, we can now turn to what his proposal is. The proposal is that half the Deputy Commissioners in Calcutta shall be appointed from Indians. The Deputy Commissionerships in Calcutta are not isolated appointments. They are part of the general cadre of the Bengal Police, they rank as Superintendents of Police; therefore, we cannot consider them as being separate from the Bengal Police; they are all grouped together, and the remarks I have made with regard to the listed posts of the Bengal Police apply equally to the Deputy Commissionerships of the Calcutta Police. We can, as the hon'ble mover suggested, transfer three of the Indian Superintendents from the Bengal Police, and place them in as Deputy Commissioners in Calcutta; but I may say at once that Government is not prepared to do this. The Indian Superintendents of Police are men with long service, men who have been placed in charge of important districts, and we are not prepared to concentrate them in Calcutta without any respect to their duties and conditions of service, merely in order to convert half the Deputy Commissionerships of Calcutta into posts which may be held by men promoted from the Provincial service. The Assistant Commissioners in Calcutta correspond to the Deputy Superintendents of the Provincial service in Bengal. They are not interchangeable; occasionally a man is brought in from Bengal; but, as a rule, a man serves his time in Calcutta. As the mover has pointed out, out of 12 Assistant Commissioners, there are 5 who are Indians; I presume his idea is to promote 3 of these to be Deputy Commissioners, but to do that, as the Council will see, would be to interfere very much with the interests of the Deputy Superintendents of the Bengal Police. It will give a very unfair advantage to them. In 1916 or 1917, it was represented that the Assistant Commissioners in Calcutta were not having the same opportunities as the Deputy Superintendents of Bengal, and for that reason we went up to the Government of India and definitely got their permission to list one of the Deputy Commissionerships in Calcutta in order to give Assistant Commissioners an opportunity of rising further.

In extending the number of listed posts, as we shall do gradually, from 10 to 20, the claims of Assistant Commissioners in Calcutta to a proportionate amount of that promotion will of course be considered, and I cannot say at the present moment, what the actual figures will be, but when we next list another post, we shall consider whether it ought to be a Calcutta post, or a Bengal post. Beyond that I do not think we can go.

My argument, therefore, to the Council is, firstly, that the Bengal Police service is an organised service based on recruitment to superior posts, and that we cannot upset the organisation of that service by altering a part here and a part there; it must be done as a whole. The listing

of the superior posts in the Bengal Police as a whole is governed by the orders passed by the Government of India and the Secretary of State, and we cannot go beyond this. The proposal of the mover would very considerably go beyond that; therefore, Government are not in a position to be able to accept it.

Mr. BIJOY PROSAD SINCH ROY: First of all, I must say that I am not at all disappointed in listening to the speech of Mr. Stephenson, because I did not expect a more sympathetic reply from the Government on a question like this. Mr. Stephenson says that the European Deputy Commissioners have not lost the confidence of the public. I am a member of the public, I reside in Calcutta generally, and this is my opinion, and of my supporters in this Council; and this is the opinion of the Indian press. Mr. Stephenson again says that they are men of experience, the juniormost Deputy Commissioner has 11 years' experience. May I know when he came to Calcutta how many years he was in the police? In spite of all his arguments, Mr. Stephenson has failed to convince us that the Government cannot, with all consistency, give Calcutta two more Indian Deputy Commissioners. This would only help Government in gaining the co-operation of the public. I do not think I should detain the House any longer with my reply.

With these words, I commend my resolution to the acceptance of the House.

On the motion being put, a division was taken with the following result:—

AYES.

Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Maulvi Yakubuddin.
Ahmed, Munsifi Jafar.
Ali, Mr. Syed Erfan.
Ali, Munsifi Amir.
Ali, Munsifi Ayub.
Arhamuddin, Maulvi Khandaqar.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjee, Rai Bahadur Abinas Chandra.
Bhattacharji, Babu Hom Chandra.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Rai Narendra Nath.
Chaudhuri, Sir Ashutech.
Dutt, Mr. Ajoy Chunder.
Dutta, Babu Indu Bhushan.
Ghose, Mr. D. C.
Ghose, Rai Bahadur Jagendra Chunder.
Hag, Shih Syed Emdadul.
Karm, Maulvi Abdul.
Khan, Maulvi Hamid-ud-din.

Khan, Maulvi Md. Rasque Uddin.
Khan, Mr. Razaur Rahman.
Malik, Babu Surendra Nath.
Mitra, Rai Bahadur Mahendra Chandra.
Mitra, Dr. Jalindra Nath.
Mukharjee, Babu Nitay Dhen.
Mukharji, Professor S. C.
Nasir, Babu Hom Chandra.
Pal, Rai Bahadur Radha Charan.
Rauf, Maulvi Shah Abdur.
Ray, Kumar Shih Shekhariswar.
Ray Chaudhuri, Mr. Krishna Chandra.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Babu Malini Nath.
Roy, Maharaja Bahadur Kshamsinh Chandra.
Roy, Mr. Bijoy Prosad Singh.
Roy, Rai Bahadur Lani Mohan Singh.
Roy, Raja Mani Singh.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sinha, Babu Surendra Narayan.

NOES.

Banerjee, the Hon'ble Sir Surendra Nath.
Barton, Mr. M.
Bis, Mr. E. E.
Bompa, Mr. O. M.

Chaudhuri, the Hon'ble the Nawab Saliyd
Nawab Ali, Khan Bahadur.
Goliola, Mr. J. A.
Daval, Mr. M. P.

French, Mr. F. C.
 Forrester, Mr. J. Campbell.
 Goode, Mr. S. W.
 Gupta, Mr. J. M.
 Hephys, Mr. W. S.
 Huntingford, Mr. C. T.
 Kerr, the Hon'ble Mr. J. H.
 Lang, Mr. J.
 Law, Raja Reshee Case.
 Maharajadhiraja Bahadur of Burdwan
 the Hon'ble
 Mitter, the Hon'ble Mr. P. C.
 Mukherjee, Babu Nirode Behary.
 Rao, Mr. W. R.

Rahim, the Hon'ble Sir Abdur-
 Ray, Rai Bahadur Upendra Lal.
 Roy, Mr. Tarit Bhushan.
 Skinner, Mr. M. E.
 Spry, Mr. H. E.
 Stark, Mr. H. A.
 Stephenson, Mr. H. L.
 Suhrawardy, Dr. Hassan.
 Swan, Mr. J. A. L.
 Travers, Mr. W. L.
 Walsh, Mr. C. P.
 Wheeler, the Hon'ble Sir Henry.
 Wordsworth, Mr. W. C.

...

The Ayes being 42 and the Noes 33, the motion was carried.

Bacteriological examination of septic tanks.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that "this Council recommends to the Government that a systematic monthly bacteriological examination be carried out of all septic tank effluents discharged into the Hooghly river with a view to drawing attention to the factors contributing to the pollution of that river, and the results of such examination be published monthly for the information of the public.

No apology is needed for bringing up before you the subject of the pollution of the river Hooghly. To all of us, for one reason or other, the purity of the river Bhagirathi is of the highest importance. A large bulk of the population living on the banks of the river uses its water for drinking and bathing purposes and whether Hindus or Muhammadans, the subject is one affecting the health of millions. Even among the Europeans living on the river banks, death from cholera has become a common occurrence. You are aware that a type of latrine known as septic tank has been introduced some years ago on the river banks. In this latrine the excreta of the several thousands of coolies working in the mills is collected, dissolved in the water and after some purification is let into the river. The idea of letting in such stuff into the Ganges is revolting to all who have been accustomed from infancy to look upon the Ganges as so sacred as not to be forgotten even in one's prayer. However, if sanitation demands that this should be so, one at least expects that the purification of the water should be thorough and that before letting into the river, the excreta should be divested of its dangerous and disease-producing elements.

The Government was pleased to appoint, in 1906, Dr. Fowler, F.R.S., F.L.C., an expert from Europe, to go into the question of septic tanks and their purification. After studying the subject for some months, he submitted his report in 1907. His report contained a number of important recommendations, some of which do not seem to have been given effect to at all. It is not clear at whose instance the matter was so neglected. The Department of Public Health owes a duty to the public to explain why those recommendations have not been carried out by

—(1) thorough sterilization of the effluents, (2) storage of the same hours before being discharged into the river.

The Hon'ble Sir SURENDRA NATH BANERJEA: What is the date of the report?

Rai MAHENDRA CHANDRA MITRA Bahadur: The report is dated 1907. Colonel Clemesha, in the report by Dr. Fowler, stated that "there can be no manner of doubt that the admission of comparatively small quantities of septic tank effluents will increase the number of pathogenic bacilli present and as such will be a menace to health. Septic tank effluents of the very least quality in this country will give positive reaction for *B coli* in a dilution of 1/10,000. Most of the effluents from these latrines are very far from good, so much so, that the discharged fluid of the sample 5 mixed with river water gave a positive reaction for *B coli* with a dilution of 1/10,000."

The Hon'ble Sir SURENDRA NATH BANERJEA: Are you reading from the report?

Rai MAHENDRA CHANDRA MITRA Bahadur: Yes. "Therefore, the septic tank effluents must be regarded as an extremely dangerous pollution even in small quantities. The small chemical differences between the samples and the enormous variation from a bacterial point clearly demonstrates this. The effluent unsterilised contains millions of bacilli in every fluid ounce that may be pathogenic."

Dr. Fowler stated in the report already alluded to "as already stated even effluents in which the organic matters are practically oxidised still contain an appreciable number of organisms generally regarded as of pathogenic character. Some method of sterilisation is consequently called for whenever such effluents pass into a stream where the water in the vicinity is used for bathing and drinking. It is recommended, therefore, that the effluent from the tank latrine or other installations should in all cases be efficiently purified by filtration and if it is necessary to discharge the filtered effluents into the river, it should further be sterilised by the addition of hypochlorites in adequate quantity."

The above extracts from the reports published by Dr. Fowler, the Special Officer appointed by the Government for the investigation of the septic tanks in Bengal, make it perfectly clear that Dr. Fowler recommended that an adequate dose of chloride of lime should be added and that the effluents should be sterilised and that sterilisation is the most important part of sewage purification. It is, therefore, obviously necessary to find out by actual bacteriological examination whether the effluents have really been effectively sterilised or not. Such information can be got only from the bacteriological examination of the effluent. It appears, however, that no bacteriological examination is done and that only a chemical examination is carried out.

As pointed out by Colonel Clemesha in the above report, the chemical analysis shows only small differences and a bacteriological examination is consequently absolutely necessary to show whether the objectionable organisms therein present have been killed or not. In this connection, I must confess to a feeling of surprise that the Sanitary Department should not have done this work of its own accord and that it should be necessary for us to bring this matter before the Council. I now hope that the Council will set a seal of approval on my resolution.

RAI HARENDRANATH CHAUDHURI: I do not know whether it is my good fortune or misfortune that I happen to live on the banks of the river Ganges. As one who is acquainted with the present polluted condition of the stream, as one who is aware of the fact that many people in these parts of the country succumb to cholera after using this polluted water, and as one who is also aware of the difficulties of the riparian municipalities in the matter of good drinking water, I think, it is imperatively necessary that such steps as are recommended in the resolution should be taken. Any Government which has the least regard for the lives of its subjects, I think, cannot but accept such a proposition.

With these few words, I beg to support the resolution.

THE HON'BLE SIR SURENDRA NATH BANERJEE: I am one of those unfortunate human beings, who is a resident on the bank of the river, and I have lived there for 50 years and I have lived a happy, healthy and contented life. I entirely sympathise with the Hindu feeling that the river Ganges is sacred: it is a deep sentiment, hoary with age, consecrated by tradition and it ought to be respected by the Government of the country; and speaking on behalf of the Government, I desire to say that we do respect that sentiment. But the question that we have to consider to-day is a practical one. My friend, Rai Mahendra Chandra Mitra Bahadur, recommends that we should have a monthly bacteriological examination of the effluents discharged into the river. Well, I am willing to meet him half-way in this matter, and I am quite sure he will accept my proposal. We are prepared to make these examinations from time to time. We think it is a matter of importance that these examinations should be made, and we are prepared to comply with my friend's request, consistently with our resources, consistently with the organisation and the staff at our disposal. I think that ought to be acceptable to my friend.

There are, however, one or two considerations which I desire to submit for the judgment of this Council. In the first place, Dr. Bently is preparing a report on the very question, it is now in the Press, and we have not seen it yet. When that report is ready, it will be my duty, as well as my pleasure, to send a copy of it to my friend. On the basis of this report, we propose to take comprehensive action in this matter. Therefore, anything that we can do now would be in the nature of a piecemeal operation. I am sure my friend will agree that in view of

that report which we expect very shortly and upon the basis of which we desire to undertake a comprehensive programme, any definite action of the kind proposed in the resolution would be premature.

Then, there is this further point which is to be borne in mind, namely, that if you have these examinations, it would be necessary to act upon their results, it would be necessary to act upon the materials which these examinations will furnish to the Government. We must have a machinery and we must have a River Pollution Preventive Act. We have not got the machinery and we have not got the Act. Thirdly, there is the eternal question of expense which has to be considered. We have just listened to the doleful figures of the budget. We have not got the money and the examination, which my friend suggests, would cost us something like Rs. 8,000 a year; and then we have not only not got the money but the money could not be spent unless and until we had a regular comprehensive programme of work on which to incur this expenditure. I hope my friend will realise that the points which I have just urged deserve the serious consideration on the part of this Council and of the Government. I wish to assure him of my deep sympathy with his motion. I wish to assure him that it is one of my objects as Minister of Public Health to prevent the pollution of the river by the discharge of these effluents. My friend may know that my sympathy is not mere lip-deep; and he knows perfectly well that it was owing to my intervention that a certain factory near Hooghly, just at the head of the water-supply, which wanted to discharge its effluents into the river, was prevented from so doing. The Manager of this factory has agreed to divert the effluents into the country-side. That seems to be the proper method of dealing with these effluents. We have got these instalations there. We have got these factories discharging their effluents into the river. All that we can do at present is to make these discharges as innocuous as possible. We have issued an order that these effluents must be sterilised. I find that only 4 factories have complied with this order, and I have directed that the 126 mere factories must be called upon to sterilise their effluents. Therefore, my friend will understand that I am really conscious of this danger and I hope that in view of the assurance that I have given, namely, that we shall hold these bacteriological examinations at reasonable periods and as often as we can, consistently with our resources and with our organisation and the staff at our disposal, he will see his way to withdraw the resolution.

Raj MAHENDRA CHANDRA MITRA Bahadur: In reply, I beg to submit that I have brought the resolution before the Council pursuant to a sense of duty which I am to perform here. I know the difficulties in which the people in the localities are placed and no one knows more than the Hon'ble Sir Surendra Nath, for it was he who brought the subject for the consideration of the Government years ago. When he was a journalist, in many issues of the *Bengalee* he brought the matter to the

notice of the Government, but nothing effective was done. I brought this subject to the notice of the old Council and the whole question was not taken into account except that an inquiry was made by Government officers. The matter stopped there and no further inquiry was made. The Hon'ble the Maharajadhiraja Bahadur showed great sympathy on the occasion and he took active interest by recommending an investigation into the matter and I am grateful to him for what he did. The matter stood there, no report was submitted and we were told that Dr. Bentley was engaged in this connection. Then it came up with a kindred matter, namely, that a new mill was started at Bansberria and I appealed to the Hon'ble Minister for help. He was very kind and he helped the riparian municipalities of the locality, and the result is that the effluent discharges have been stopped and that the company executed a guarantee bond to the Government. So far right. But it is highly necessary that a bacteriological examination should be made as I submit chemical examination is of no practical use. I think that Dr. Bentley will be greatly helped if such an examination be made.

The Hon'ble Sir SURENDRA NATH BANERJEA: I think my friend, the Rai Bahadur, has misunderstood me. I have said that in 4 mills they have sterilised the effluents and in 126 mills they have not. The orders of Government are that all the effluents should be sterilised. Therefore, these mills are acting contrary to the orders of the Government and we intend to take the necessary steps in the matter.

Rai MAHENDRA CHANDRA MITRA Bahadur: I am thankful to the Hon'ble Minister for assuring me that strong steps are being taken. In fact the object of moving this resolution is to have effective steps taken in this connection. If that is done, the matter is at an end. The Hon'ble Minister has told the Council that a large sum of money will be necessary for having monthly bacteriological examinations. But Government ought not to grudge to incur this expenditure to save millions of the people. It is a matter for consideration whether I should press that monthly examinations be held. Rather I should think that examinations be made from time to time and at reasonable intervals and that will be sufficient for the purpose of meeting the point at issue. Government will be in a position to know in which mills sterilisation is not done and in which mills it is done. I do not wish to press the resolution at present, as I know very well that the Hon'ble Minister has sympathy from the heart. I am led to think that he may be in a position to carry out the merits of the resolution I have submitted to the Council. If nothing be done, I will trouble the Council once more.

One thing more I would submit to the Council. The River Pollution Preventive Act is an Act which we have been dreaming for a long time.

The Hon'ble Sir SURENDRA NATH BANERJEA: You will not have to dream very long.

Rai MAHENDRA CHANDRA MITRA Bahadur: When the matter was brought before the old Council, the Hon'ble Maharajadhiraja Bahadur gave us an inkling of this matter. He also told us at the time that there would be a River Pollution Preventive Act. I am not sure, however, whether the River Pollution Preventive Act will be confined to Bengal or to the whole of India. But that is a subject for the Council to consider. What I do submit to the Council is—save us from the river pollution. The Act will come into operation perhaps after 3 or 4 years. Are we to sit quite or are we not to take steps on the ground of public health? The Hon'ble Minister says that there will be a River Pollution Preventive Act, but the Act will not satisfy me nor my constituency at all. I repeat that effective steps be taken *at once*. However, in view of the definite assurance given by the Hon'ble Minister, I am obliged at present to withdraw the resolution to-day.

The resolution was then, by leave of the Council, withdrawn.

Withdrawal of resolutions.

The DEPUTY-PRESIDENT: Owing to the absence of Maulvi Azaharuddin Ahmed and Maulvi Abdul Jubbar Pahlowan the following resolutions standing in their names respectively, are deemed to be withdrawn:—

“This Council recommends to the Government that the realisation of interest on arrears of rent in excess of the rate fixed by Government be declared illegal even when the creditors have previous contracts with the debtors.”

“This Council recommends to the Government that the village chaukidari system be immediately abolished.”

Diet expenses of Indian patients.

Dr. HASSAN SUHRAWARDY: I move that “this Council recommends to the Government that the allowance of diet expenses of Indian patients per head in the Medical College Hospital, the Campbell Hospital, and other Government Hospitals be brought up to the same uniform standard as for patients who are classed as Europeans.”

The House might remember that in answer to a question put by me at the last session, the Hon'ble Sir Surendra Nath Banerjee replied that the diet expenses allowed for all classes of Indian patients at the Medical College Hospital and the Campbell School Hospital is nearly half of what is allowed to European patients and those classed as European and to Indian Christians.

This matter has for a very long time been causing a lot of bad feeling in the minds of the Indian community. During the incumbency of the late Sir Pardey Lukis, the late popular and kind-hearted

Principal of the Medical College, the diet expenses of Indian patients were brought up to a higher standard, and definite attempts were made to improve its quality for the first time within recent years. It often happens—and I have got experience of the fact as I was House Surgeon in the Medical College Hospital—that one cannot diet a patient of the *bhadralog* class within the standard scale of diet expenses allowed per head. The diet scale was increased from nearly Rs. 0-4-0 to Rs. 0-6-6 by Colonel Lukis, very recently it has been increased to Rs. 0-8-0. But in these hard times, it does not carry one very far. What I feel is that the expenditure on milk and sago could not be higher for Europeans than it is for Indians.

Sir ASUTOSH CHAUDHURI: Is the rice and milk of two different kinds?

Dr. HASSAN SUHRAWARDY: I cannot say for the milk, but I am afraid the rice is of a different quality.

However, it is quite possible that people who are brought up to a higher standard of living will require greater expenditure as compared with those who are brought up to a simpler mode of life; but I fail to see how milk and sago could cost more for one and less for another.

Sir ASUTOSH CHAUDHURI: Is the milk supplied by two different contractors?

Dr. HASSAN SUHRAWARDY: I do not think so.

At any rate, it is only convalescent Indian and European patients or those who are waiting in hospital for an operation who would require different kinds of diet.

It seems a curious anomaly that a *bhadralog* Bengali patient gets Rs. 0-8-0 a day, while his servant, if he be an Indian Christian, can get Re. 1-0-0 a day as the limit of his diet expenses. Therefore, what I suggest to the House and to the Hon'ble Minister is that the limit of diet expenses should be brought up to the same standard for all classes, irrespective whether they are Europeans, Indians, Africans or Indian Christians. They should all have the same limit of diet expenses and get a diet according to what the Doctor thinks is best for them. I do not think it is impossible for an Indian patient suffering from pneumonia to get more than Rs. 0-8-0 a day. I think he can be allowed a few annas more as extras if ordered by the House Surgeon but so can the European patients get extras, but there is a limit to giving extras. If a House Surgeon acquires a reputation of giving extras to a large number of his patients, he will soon find his place outside the wards. Therefore, it is obvious, specially at the present time, that all invidious distinctions should be removed. We are abolishing the invidious distinctions in the jails between higher and lower classes of

Indian political prisoners and between Europeans and Indians, and I moved a resolution the other day to this effect which has been passed by this House.

I trust that the Hon'ble Sir Abd-ur-Rahim's régime will be remembered by these changes over and above what have been already inaugurated by him for the improvement of the Jail diet generally. I am sure that for the sick people of all classes, a uniform standard of allowance for diet, in all Government Hospitals will mark the administration of our worthy and popular Minister, the Hon'ble Sir Surendra Nath Banerjee, who has already brought about so much reforms in the medical department, often, in the words of a distinguished member of the Indian Medical Service, with a superb disregard for the "red tape."

Dr. JATINDRA NATH MOITRA: I have great pleasure in supporting the resolution of my friend Dr. Suhrawardy. I have personally worked for several years in the premier Medical College of Bengal and have always felt the need of improving the diet of Indian patients on several occasions. Several members of this Council felt the need as will be evidenced by the several interpellations here on this particular subject, and Dr. Suhrawardy has elicited the reply that Indian patients nowadays get Rs. 0-8-0 each a day, while the Europeans get Re. 1-0-0 each a day. In 1910, that is the last year when I was House Surgeon in the Medical College, it was Rs. 0-4-6 for Indian patients and Rs. 0-12-0 for European patients. The Indian patients are as much human beings as European patients, and I do not understand why a racial discrimination should be allowed even amongst the suffering public. The diet that is allowed to the Indian patients is generally such as can hardly be consumed by the *bhadralog* class, especially when they are ill, and an improvement of the dietary is very urgently called for.

•With these few remarks, I whole-heartedly support the resolution.

The Hon'ble Sir SURENDRA NATH BANERJEE: Let me tell the House in connection with this resolution that I have been engaged in considering this question since I assumed the office of the Minister in charge of the Medical Department. I think it was in April, or even earlier, I wrote to Colonel Barnardo, who was then the Principal of the Medical College, to look into this matter. I had received complaints from various quarters—and a popular Minister being accessible to all necessarily receives complaints from all sources—and so I asked him to look into the matter and submit to me a report. In this connection, I said that it would be a wise thing if he could see his way to appoint a Committee of students for the purpose of supervising the dietary arrangements of Indian patients. I am afraid nothing came out of my suggestion, but the question has always been present to my mind, and I thank my friend Dr. Suhrawardy for bringing it up and placing it in this authoritative fashion before the Council.

One or two misapprehensions appear to exist, and I desire to take advantage of this opportunity to do my best to remove them. I do not think that these distinctions to which reference has been made were based upon racial considerations. Undoubtedly they are liable to that interpretation. I quite admit that, but I think—and I can speak as an independent person unconnected with Government—that what was at the back of the mind of the Government in those days was that the habits of the two classes of patients were different and consequently this distinction was made. That, I believe, was really the motive that underlay these distinctions to which reference has been made. I, at any rate, and I am sure this Council will give me credit for it, would strongly object to the inauguration or the continuance of racial distinctions of any kind in any department over which I have the honour to preside. Therefore, I would ask the Council to dismiss from their minds all considerations affecting the racial question. I think there is a grievance—a substantial grievance—in this matter to which reference has been made in the public press and on the public platform, and it is a grievance which Government is bound in duty to consider. It is a knotty, a difficult and a delicate question. I propose on behalf of Government to appoint a committee for the purpose of looking into this matter and submit a report, and I would straight off mention the names of the members of the committee. The Principal of the Medical College, Sir Nil Ratan Sarkar, Dr. Hassan Suhrawardy, and Mr. Mrigendra Lal Mitter will form the committee. Government will appoint a committee consisting of these gentlemen to look into this matter and submit a report to Government at an early date. I hope my friend will be satisfied with this and see his way to withdraw his resolution.

Dr. JATINDRA NATH MOITRA: I suggest that a few more names should be added.

Sir SURENDRA NATH BANERJEA: In that case it will be too cumbrous.

Babu SURENDRA NATH MALLIK: May I inquire if Indian patients can digest less than European patients?

Dr. HASSAN SUHRAWARDY: I have already answered the question put by Babu Surendra Nath Mallik. It is only during the period of convalescence or in the case of persons waiting in hospitals for operation that any distinction can take place.

As to the terms of reference to the committee, I take it we shall have our duties clearly laid down and we shall do our best. The committee which the Hon'ble Minister has proposed, I think, will be able to do the work very well. Sir Nil Ratan Sarkar is well known to the medical profession and outside, and Dr. Mrigendra Lal Mitter was for nearly 10 years the Teacher of Surgery in the Campbell Medical School and is now the Professor of Surgery in the Carmichael Medical College at

Belgatchia and Surgeon to the College Hospital. Both these gentlemen are very experienced persons with knowledge of dieting in the Campbell Hospital and in institutions outside the Medical College. The other member proposed is the Principal of the Medical College, who is the administrative head of the Medical College and Hospitals connected with it. I have also been mentioned as a member of the proposed committee. I was also connected with the Medical College and the College Hospital, with some breaks on and off from 1908 to 1916, and may be of some service. I accept the Hon'ble Minister's suggestion for the appointment of a committee to look into the details of the points raised in this resolution and on that assurance I do not press my resolution.

The motion was then, by leave of the Council, withdrawn.

Bengal Leper Settlement.

Mr. J. CAMPBELL FORRESTER: I move that "this Council recommends to the Government that a sum of Rs. 50,000 be provided in the ensuing budget so that an immediate start may be made with the construction of the Bengal Leper Settlement, the land having been procured for the Government by private gift."

I ask the Council to support this resolution. A generous donor having provided the money necessary for the purchase of the land and the Government thus having procured a site of 700 acres in Midnapore district for a leper settlement. This site was selected upon the advice of experts, who agreed that it would furnish all the requirements necessary for the making of an ideal Leper Settlement.

The facts briefly put are that a draft scheme for a Leper Settlement for 1,000 lepers was drawn up at the request of the Government by the Mission to Lepers Secretary for India and tentatively approved by the Government. The scheme will cost Rs. 4,00,000 but the amount will be spread over a number of years, and I fear that if this amount, Rs. 50,000, is not provided for in the ensuing budget, then the scheme will be held up for another year.

I feel the case is so urgent and important that this Council will give fully their sympathy and support.

All must have the utmost regret that this awful scourge should be so prevalent in Bengal.

According to the census of 1911, there are 17,483 lepers in this province and authoritative experts state that these figures are underestimated, that 50 per cent. should be added to this. In the report of the Commissioner of the Burdwan Division, dated the 10th April, 1920, the following statement is made:—

The district of Bankura is described in the census report of 1911 as the blackest leper spot in the whole of India. Out of every 10,000 population as many as 23 were found to be lepers.

These figures are appalling and a lasting disgrace to Bengal. The present Asylum in Bengal provides accommodation for only 534 lepers. This new scheme for a Leper Settlement will accommodate 1,000 lepers, with possibilities of enlarging; therefore, I trust to-day will be the commencement of the wiping out of this disgraceful and unenviable position we hold in Bengal.

We know that leprosy was, at one time, prevalent in Europe; that by the aid of sanitation, isolation and cleanliness, it has been driven out except, perhaps, in Turkey and—a few, very few cases—in Norway. Thus we know that this lamentable and preventable disease can, by proper treatment, be eradicated from this province.

The Asylum in Bankura is maintained by the Mission to Lepers, with aid from Government. It can only care for 150 lepers, while the number of mendicant lepers in this district is over 1,500. I ask you, Sir, how is it possible to utilize the amended Leper Act, when Government does not provide Asylums?

The following list will show that Bengal does less for these unfortunate creatures than any province in India:—

		Bengal.	Bihar.	Madras.	United Provinces.	
Lepers	...	17,482	16,935	16,648	14,500	
(In Asylum)	...	534	1,436	935	891	
		Bombay.	Central Provinces.	Burma.	Assam.	Punjab.
Lepers	...	10,303	7,307	7,039	4,372	3,094
(In Asylum)	..	1,059	1,405	593	103	360
Estimated number in India			..	...	1,50,000	
Ditto in Asylum			...	...	8,890	

Surely it becomes this Legislative Council to endeavour to eradicate this disgrace! By granting the sum of Rs. 50,000, this being all that is required at present to make a most needful immediate commencement to reduce this lamentable disease, and since the entire scheme is estimated to cost Rs. 4,00,000 and as the amount would be required in instalments spreading over a period of about four years; thus not hampering the tax-payer with a large amount in any particular year. Think what a relief would be afforded to these poor suffering creatures by enabling them to receive proper medical treatment in a sanatorium equipped to administer prophylactic and therapeutic aid.

We must also realise the colossal safeguard and relief that such an institution would be to the citizens and visitors to Bengal.

Do you realise the danger of contagion we all encounter through the present state of affairs? Money is handled by these unfortunate people, they have to bathe, they sometimes handle groceries and food-stuffs, and clothing.

While recognising that leprosy is most prevalent among the castes which stand very low on the social and economic ladder, it is not unknown amongst the middle and zamindar classes.

The Police census of 1919 gives the number of over 1,100 leper beggars in Calcutta. This must be stopped. We must get at and prosecute those human vampires who fatten on others' misfortune; I refer to the sirdar lepers, who finding that the kindly and charitably disposed readily part with money in answer to appeals from these poor creatures thereby bringing profit to themselves.

This menace to the health of the community should be ended now that the amended Leper Act of last year makes it possible for any Provincial Government to compulsorily segregate the pauper and begging lepers in its province.

We must free the streets from these unsightly infected beggars in Calcutta and the surrounding villages. Thus not only alleviating their misery but preventing the spreading of contagion and infection among those who come in touch with them.

Let us start this structure. This building which shall be a monument of respect, care and thoughtful consideration of a humane Government; also an exhibition of the wonderful and enterprising work done by "The Mission to Lepers."

The additional funds which are necessary to meet this expenditure would probably be less than the amount of moneys that are indiscriminately given to beggars, and may be questionable charities.

Such an institution will welcome those unfortunates whether they be Hindus, Muhammadans, Rajputs, Brahmins or the untouchables,—all castes and religions will be respected. The motto will be: "Whosoever turneth you away as the despised and rejected, we will ring out in clear clarion notes, welcome, welcome; this home is open for you; our services are at your disposal, enter ye in."

Once this institution is organised and run under the intelligent and experienced supervision of "The Mission to Lepers," it will be a small charge upon the Government.

The Mission to Lepers will have experts in charge of the Hygiene, Agriculture and other departments. Under the direction of a Superintendent, the inmates cultivate their food-crops.

The Mission to Lepers state that "each leper costs on the average Rs. 5-8 per mensem, and when clothing, medicines and other charges are added, it totals about Rs. 8-8 per inmate per mensem." I beg you to weigh this matter. Realise that through the expenditure of Rs. 50,000, a commencement will be made to construct an institution which will ultimately render a lasting service and in fact duty to humanity.

If this amount is not provided for in this year's budget then a complete twelve months' time will be wasted.

I would also plead for this grant, because, once a commencement is made there are possibilities and probabilities of help elsewhere. It is well known of the world-wide research work done by the Rockefeller Foundation. Their large contributions in France for the lessening of tuberculosis, their gift to China of seven million dollars (\$7,000,000) for the construction of Hospitals and Laboratories in China where research work is to be done, and their large gift only recently made to medical research work in England. We know that their representative has been here investigating the possibilities of assistance towards the study of diseases. I understand that so far as the research work in India is concerned their intention is to study the "Hookworm" and the giving of some odd scholarships to medical students equipped to take up post-graduate work.

Leprosy is certainly included among the diseases, which as yet are not entirely known especially in regard to a permanent cure; therefore, are there not possibilities of a great Institution assisting if the Government itself is endeavouring to lessen this disease, though unable to do so alone, because of the present poverty of India, who cannot provide sufficient funds to carry on?

This Asylum (or if you prefer to call it Mission to Lepers) will furnish adequate means for research work.

We are aware that large contributions to the Victoria Memorial Funds were made by Indian gentlemen shortly before the arrival of His Royal Highness the Prince of Wales, and that the committee for the Victoria Memorial Funds has a balance in the Treasury. I would suggest that any surplus which is now available could not be put to a better purpose than the construction of this Leper Settlement.

The most impressive speech I have heard in this House has been the clear ringing notes of an impassioned and earnest appeal from Sir Surendra Nath Banerjee for the health of his countrymen—I hope that this appeal that I make to-day on behalf of his countrymen will have his active sympathy and support.

India is the only country in the world where lepers are allowed to mingle freely with the healthy population. This is a disgrace to India and its rulers. A stigma, I hope, they will soon free themselves from.

The wealth of a nation is its people and it is undoubtedly the first duty of any Government to look after the health of its people.

Surely it is unnecessary to plead more on behalf of the Bengal Leper Settlement.

I rely upon the wise judgment and generosity of the Council to support this resolution.

Babu RISHINDRA NATH SARKAR: In the last session and in the session before last, I gave notice of a motion of almost a similar nature. In that resolution, I intended to recommend to Government

the establishment and maintenance of a leper colony or settlement in the district of Bankura for the exclusive use of the lepers of that district; but it could not be taken up as the time limit was reached. We have already heard from the mover that the district of Bankura is marked as the blackest leper spot in the whole of India. From the census before last in 1911, and within nine years, on a rough calculation made by the late Collector, Mr. Vas, it was found that there was a rise of at least 50 per cent. of lepers in that district. So it is now high time for the Government to put a stop to this increase in that district. I understand that the site that has been selected for the leper settlement is the district of Midnapore. Midnapore and Bankura are contiguous places and so, I think, the lepers of the latter district may very conveniently use the present settlement proposed. Then, I think, this demand will not fall entirely on public revenues. I understand that a generous donor has made a gift of Rs. 50,000 to the Mission to the Lepers in the East, and the Mission has transferred this sum to Government with an addition of Rs. 10,000, and if out of that Rs. 60,000, Rs. 50,000 is granted to the demand that is made, I think it will serve a very useful purpose.

I support the resolution.

MR. H. A. STARK: I rise to give my whole-hearted support to the resolution moved by Mr. J. Campbell Forrester for the allotment of Rs. 50,000 for the construction of the Bengal Leper Settlement. It is perhaps not generally realised that the scourge of leprosy claims more victims in Bengal than in any other part of India; and that the cruel disease is worst both in respect of numbers and virulence in the district of Bankura. I have not seen any explanation of the phenomenon, but there is a well-defined zone of leprosy in western Bengal and the contiguous districts of Bihar and Orissa. It begins in Birbhum, penetrates northern and western Burdwan, stretches into Manbhum, and takes into its sweep Bankura, Midnapore, Singbhum, Mayurbhanj, Keonjhar, the subdivisions of Bhadrak and Jaipur, and finally terminates along the sea-coast of Puri and Ganjam. I speak for the most part of areas over which I have travelled, and in which I have worked from village to village. I have visited the Leper Asylums at Asansol, Raniganj, Purulia, Bankura and Baripada. For two years I lived within sight of the large Leper Settlement in Purulia, probably still the largest Leper Asylum in India—an Asylum established by a missionary and his wife, and by them dedicated to the memory of their infant daughter, who contracted the fell disease from her ayah. I was, at the time to which I refer, Divisional Inspector of Schools, and in the course of my duties I had to inspect the school for leper children. There were some two hundred of these unfortunate sufferers. It was pitiful to see the horror depicted in the face of a once-untainted child, when the first ominous black spot was detected, on my next visit to find the poor child in the observation wards, and finally in the wards for declared lepers.

could it escape infection, when, as a babe in arms, it had been nourished at the breast of its leper mother, and been caressed by her scarred hands? Sir, I would not harrow you or my colleagues by dwelling on what must cause each a pang. This I know, that if you had seen the physical agony and the mental anguish which I have seen in leper colonies; that if you had seen the benevolent ministrations of those brave men and braver women who are devoting their lives to the alleviation of the sufferings of the loathed leper; that if you had seen little ones saved from the usual heritage of their unhappy birth, I feel confident that you would with alacrity advise Government to provide the modest sum of Rs. 50,000 for the construction of the Bengal Leper Settlement.

For be it remembered, that lepers will gravitate to a large city like Calcutta where alms may be received on a larger scale than elsewhere. We know that lepers are disinclined to enter Leper Asylums; but even if they were disposed to go into voluntary segregation there are not sufficient asylums for them. I have seen them—you have seen them—journeying by steamer and train, entering crowded decks and compartments; never paying their fare, because they know that no one will collect their tickets. And thus the general public runs the risk of contagion; and that dread disease is on the increase is proved by the decennial censuses. If it is imperative that in the interests of the community at large, lepers should not be able to roam the country at pleasure, it is incumbent upon the legislators and administrators of the Province to provide segregation settlements for lepers. For whatever other objects money may be scarce, it ought to be found in abundance for the shunned and forsaken, the unsightly and doomed leper.

Babu ANNADA CHARAN DUTTA: I fully associate myself with the observations made by the mover and the gentlemen following him in urging the cause of such a miserable and wretched section of the people. At the same time, I am very sorry that I cannot support the resolution as it stands. On the face of it, the resolution appears to me to be a little vague. We do not quite understand what shape the proposal for starting a leper settlement is to take, where it is to be located, and before doing all these things, or in other words without formulating a project, without getting administrative sanction, you simply try to bind the hands of Government to allot Rs. 50,000 in the budget which starts with a big deficit.

Mr. J. CAMERON FORRESTER: May I rise to a point of explanation? I said that the scheme had been already approved of. I only asked for Rs. 50,000 to give a start to the scheme.

Babu ANNADA CHARAN DUTTA: I thank the mover for the explanation. But it does not take the point any further. We either accept the resolution or reject it as it has been worded. I fail to find any specific project as it stands and I, for myself, do not see the wisdom

of readily confining a particular item of Rs. 50,000 in the coming year's budget which has been presented to-day and we shall soon have an opportunity of discussing later on. In order to meet several inevitable items of expenditure, we have been really taxing people in different ways and in the words of a certain gentleman have made ourselves so unpopular that we should think thrice before earmarking Rs. 50,000 for any project however noble it is. We had better leave the hands of Government free; and then, if we find that money is forthcoming, we may suggest to them that provision may be made for the project. As the subject now before the Council is a transferred one, in my opinion, the present resolution will be binding upon the Minister to allot that sum from whatever source it may be available. Among other projects referring to sanitation, medical aid and the like cannot be taken up for want of funds and now that we may be raising some funds by rather unpleasant means, I do not see any reason why at the very outset one project should have preference over others. We should keep Government free as to which of these projects should be first taken up. So with these observations, while fully sympathising with the noble project in view, I submit that the Council should not accept the proposal to earmark Rs. 50,000 in the coming year's budget as requested in the resolution.

Rai MAHENDRA CHANDRA MITRA Bahadur: I beg to support the resolution. This question was raised by many of us in the old Council and there was a full discussion in this connection. Unfortunately, I moved an amendment to the original proposition and the original proposition having been withdrawn my amendment failed. I therefore take this opportunity to-day to support the resolution.

The Hon'ble Sir SURENDRA NATH BANERJEE: What was the original proposal?

Rai MAHENDRA CHANDRA MITRA Bahadur: The original proposition was to apply the Act to Calcutta only and my amendment was to extend it to the mufassal also.

Now, Sir, the question before the Council is this. There are missionaries in several mufassal districts who are helping the lepers and it is through their philanthropic efforts that the lepers get some relief. I must add here that Government also are helping a great deal. I made personal investigations in this connection when I had the honour and pleasure to move an amendment in the old Legislative Council. We are grateful to Government for the efforts made therein. Some contribution is given to the missionaries and the result is that they are getting some help from Government. But, Sir, this is only a spasmodic help. There is no regular asylum here. In Hooghly the number of lepers is small whereas in Bankura and Midnapore there is a large number of lepers. There is an Act which is very inelastic. I do not exactly remember the year—perhaps it was made in the year 1906 or so. Consequently it is a matter for consideration what steps should be taken

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in connection with the subject for the relief of the lepers. It is necessary, as has been proposed by the mover, Mr. Campbell Forrester, that there should be an asylum. The question is how to start it. He suggests an allotment of Rs. 50,000 for the purpose.

Mr. J. CAMPBELL FORRESTER: May I rise to a point of explanation? I did not suggest that Rs. 50,000 only should be allotted for the purpose. I said that it was a scheme of Rs. 4,00,000 and that Rs. 50,000 is required as a first instalment.

Rai MAHENDRA CHANDRA MITRA Bahadur: I have got the resolution before me and I am talking on the resolution as I find it.

My submission to the Council is that there ought to be a scheme so that it may be placed before the Council. I have given you a brief history as to how these matters are taken up by the missionaries, but I wish that a definite scheme should be prepared with the approval of Government and providing in it all the requirements that are necessary. If this is done, my submission to the Council is that Government ought to take up this subject at once. Now Government ought not to say here that Rs. 50,000 is a large amount. I emphatically assert that for the sake of humanity it is a solemn duty of Government to take up this subject for the relief of the lepers. There are cholera hospitals in Bengal but there is no such thing for the lepers. It is highly necessary that there should be a leper settlement in Bengal. I can say with all the emphasis I can command that no one feels more strongly, than I do because I have personally caused inquiries to be made. I have also taken into consideration the number of lepers who are wandering from one street to another, begging from door to door but there is none to help them.

Rai RADHA CHARAN PAL Bahadur: I rise to support the resolution which has been moved by Mr. Campbell Forrester and I am sure that the appeal he has made to the Hon'ble Sir Surendra Nath Banerjee has not been made in vain, for I remember—I was a student in those days—when Sir Surendra Nath Banerjee, the venerable leader of the people, on the occasion of that grand public meeting which was held under the presidency of Sir Stuart Bayley in this very hall, to allow a fitting reception to His Royal Highness Prince Albert Victor, came here with the considered opinion of the citizens of Calcutta that the amount that was raised for the reception of His Royal Highness should be devoted for the purpose of erecting a leper asylum. I vividly remember the enthusiasm with which that resolution was carried by the people present on the occasion. I therefore think that the appeal which has been made by Mr. Campbell Forrester and the Hon'ble Minister has not been made in vain. As regards the scheme much light has been thrown by the inquiry that has been made by Babu Annada Charan Dutta. I find that administrative sanction has already been given to the scheme.

and further that the scheme is well in the hands of the Government and I believe Government is prepared to allot a certain sum of money in this year's budget for this scheme, I believe on this occasion no homily is required to be administered to the very modest request that has been made by Mr. Forrester on behalf of the lepers of Bengal. I am sure that it is the intention of Government and of the mover of the resolution that the proposed institution should be thrown open to all classes of people. With that understanding, I support the mover of the resolution.

Maulvi EKRAMUL HUQ: I think it is not at all necessary for this House to make any speech to unfold the utility of this humane proposal. Enough has been said by the mover as well as by Mr. Stark and the Rai Bahadur which has the fullest support of the whole House. I have myself personally seen instances when these lepers had rushed into the houses of people for succour; and though they recoiled at the sight, yet they were bound to come to their rescue from a humanitarian point of view. These persons, for the sake of humanity, should be helped by everybody and for the sake of public health as also for public safety should be segregated so that they might not spread contagion to others. I think it is the duty of everybody as well as of the Government to lend a helping hand in constructing a leper asylum and keeping it up.

SHAH SYED EMDADUL HAQ spoke in the vernacular in support of the resolution. The English translation of his speech is given below:—

My thanks are due to the mover of this resolution for this attempt at humanitarianism. There is a popular belief that leprosy which is termed in our country as a "Mahabyadhi" is beyond cure. It is highly essential that royal power should be applied for the treatment and nursing of this miserable folk. With these few words, I support the mover from the very core of my heart.

The Hon'ble Sir SURENDRA NATH BANERJEA: The speech which the hon'ble mover has made has appealed to me very strongly, for throughout my life I have been a friend of the lepers. My hon'ble friend Rai Radha Charan Pal Bahadur has referred to an incident which took place in this very Town Hall in 1889. There was a great public meeting attended by the citizens of Calcutta—the wealth, the talent, the public spirit of this great city and the suburbs were present. A resolution was moved that a large sum of money should be spent upon illuminations and entertainments and things of that kind in honour of His Royal Highness Prince Albert Victor. I ventured to move an amendment that a substantial portion of that money be devoted to the purpose of ameliorating human suffering and that it should be given to the Leper Asylum in Calcutta. The amendment was carried. The meeting broke

up. Fortunately for me, I was able to send Rs. 25,000 to the Leper Asylum at Calcutta, and I was made a Governor of that institution and I discharged that duty for some time. Therefore, no appeal was necessary for the purpose of convincing me that something had to be done in connection with the lepers of this province. The statement which the hon'ble mover read out—the statement showing the accommodation provided in other provinces as compared with the accommodation provided in Bengal—has come upon me as a painful surprise. We claim to be the foremost province in public spirit, in philanthropy, in works of charity. So far as punishment to the lepers is concerned, I am afraid we have been sadly wanting in our duty and it seems to me that the time has come when we must make a definite advance, and here we have an opportunity for doing it. I find that only one discordant note has been sounded in the course of the debate that has taken place. Remarks have been made here and there in connection with details but they are not of much importance; for instance, Rai Mahendra Chandra Mitra Bahadur has observed that administrative sanction has not been given to this matter, which however is not a fact. I may at once mention for the information of this Council that I have to some extent anticipated the judgment of this Council. Mr Oldgrieve saw me on one or two occasions and we discussed the matter and I have provided in the Schedule of the Budget which has been placed on the table of members a sum of Rs. 25,000 for the purpose of this building. Therefore, we have already anticipated what you want us to do. We thought, having regard to our financial pressure, the stringency of the financial situation, that Rs. 25,000 would be an adequate sum for starting this institution, and therefore we made this provision. And if the Council so wishes that we should make an advance in the interest of humanity, in the interest of the suffering lepers, I will not stand in the way and Government will accept the proposal if the Council is so minded. For we feel that it is illogical and almost inhuman to compulsorily segregate lepers and at the same time not to provide sufficient accommodation for them. Sir, with regard to the Leper Act I may say at once that I had had some hand in it. Some two or three years back we had an informal conference in the house of the Commander-in-Chief—Sir Charles Munro—at Simla and I took part in that conference. We had a discussion on the subject and we suggested the line upon which the Leper Act was to be framed. The Act has been so framed. That being so and there being this Act, it is a statutory obligation upon us—it is an obligation thrown upon the Government to segregate these lepers, and therefore we as a Government feel that it is our bounden duty in the interest of humanity and justice to provide sufficient accommodation for them. Under the circumstances, I feel we should take a substantial step in this direction. We have provided Rs. 25,000 subject, of course, to an important proviso, viz., that the taxation Bills are passed. If you do not pass the taxation Bills or if you restrict them to three years only then you cannot have this sum.

Subject to the taxation Bills being passed, as recommended by the Select Committee, we have provided in the Schedule Rs. 25,000 for this purpose and I am prepared, on behalf of Government, to raise this money if the Council so wishes, provided again that these taxation Bills be passed. This is the attitude of Government and I do not think that after this assurance my hon'ble friend will press his resolution.

Mr. J. CAMPBELL FORRESTER: I have listened with a great deal of admiration and interest to the eloquent speech of the Hon'ble Sir Surendra Nath Banerjee and I am very thankful to him for his sympathy. I am afraid that my speech raised some misapprehension in the minds of some of the hon'ble members—perhaps I should have placed more emphasis upon my opening statement namely, that a draft scheme for a leper asylum to accommodate 1,000 lepers was drawn up at the request of Government and the scheme has been approved of by the Government. It will cost Rs. 4,00,000 and the amount will be spread over a number of years. What I wanted was that Rs. 50,000 be allotted in this year's budget as a first instalment, otherwise the scheme will be held up for another year. I am sorry I did not make it clear to the Council, but I hope that, after this explanation, it will be the means of those members who have opposed the scheme withdrawing their opposition.

Listening to the Hon'ble Sir Surendra Nath Banerjee, I was reminded of a story. A street waif was eating an apple and his hungry little mate looked wistfully on, then in an appealing voice he pleaded, "Say, mate, give me the core." "There aint goin' to be no core," was the reply of the street waif. In this case there is to be a core, but a very small portion of a core, and I ask the Hon'ble Minister for a larger portion of the core, so that this scheme may be pushed rapidly forward.

It is pleasant for me to learn that the Hon'ble Minister is so sympathetic and has been in active touch with this laudable work for so long. I only ask for Rs. 50,000. The sum is small, and anything less than that amount will not attain my object, and I trust this House will grant me the full amount.

I regret sincerely that we have not in our midst to-day the late Surgeon-General Robinson, who had taken such a deep interest in this work.

The motion was then put and agreed to.

At this stage the Council was adjourned for 15 minutes.

Adjournment.

The Council met again after adjournment at 6-20 P.M., but owing to want of a quorum it was adjourned till 3 P.M. on Tuesday, the 22nd instant, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

The Council met in the Council Chamber in the Town Hall, Calcutta, at 3 p.m. on Tuesday, the 21st February, 1922.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, the Hon'ble the three Ministers, and 91 nominated and elected members.

Starred Question

(to which oral answer was given).

Cellular confinement of two political prisoners in Pabna Jail.

***XIX. Babu KISHORI MOHAN CHAUDHURI:** (a) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state —

(i) whether it is a fact that one Naresh Chandra Lahiri, a political prisoner, convicted under section 17 (I) of the Criminal Law Amendment Act of 1908 and sentenced to three months' rigorous imprisonment and his brother Probhas Chandra Lahiri, an under-trial political prisoner charged under the same section of the same Act, have been confined in the solitary cells in the Pabna district jail; and

(ii) if the answer is in the affirmative the reasons for and the authority under which they have been so confined, the first after, and the last before, his conviction?

(b) Will the Hon'ble the Member be pleased to state whether the non-official visitors of the jails are entitled to know the reasons for confinement in solitary cells?

(c) If the answer to (b) is in the negative, will the Hon'ble the Member be pleased to state the reasons for, or the rules or orders of Government, if any, under which, the non-official visitors are so barred?

(d) Is it not the rule or practice or is there no order of the Government to mention such confinements in solitary cells in the convicted or under-trial prisoners' jail records or tickets?

(e) Will the Hon'ble the Member be pleased to state whether the Jailors or Superintendents of Jails or the District Magistrates can, of their own accord, order such confinement in solitary cells before or after conviction?

(f) If so, is not an order or note in writing to that effect required by law or rule for such punishment?

(g) Did the non-official visitors of the Pabna jail inquire into the reasons for confinement of the prisoners mentioned in (a) above in the solitary cells?

(h) If the answer to (g) is in the affirmative, were they supplied with all the information by the Jailor regarding such confinement on the days they visited the Jail?

(i) Is it a fact that the recent Government *communiqué* about the treatment of the political prisoners in jails now was not sent to the jail authorities of Pabna until the 4th January, 1922?

(j) Are the Government considering the desirability of issuing orders to the authorities of all the jails in the Presidency not to confine political prisoners (both under-trial and convicted) in the solitary cells but to give them every facility for reading, writing, exercise and supply of food and bedding from outside and allowing visitors to see them if necessary?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS]
(the Hon'ble Sir Abd-ur-Rahim): (i) They were kept in separate cells but not in solitary confinement.

(ii) The Superintendent reports that he kept these prisoners separate because they defied the rule of the Jail Code and stirred up trouble among other prisoners. The Prisons Act 1894, is the authority.

(b) Yes, subject to the provisions of rule 65 of the Jail Code.

(c) This question does not arise.

(d) Yes. Rule 733 of the Jail Code may be seen.

(e) The Superintendent may award all punishments prescribed by the Prisons Act, which include solitary, cellular and separate confinement. No officer, subordinate to a Superintendent, has power to award any punishment, but under rule 256, the Jailor may lock a prisoner in a cell. The District Magistrate has power to award punishments, subject to the provisions of rule 52 of the Jail Code.

(f) Yes.

(g) and (h) Inquiry is being made.

(i) Printed copies of the rules regarding special class prisoners, to which the question probably refers, were despatched on the 3rd January.

(j) The rules regarding confinement in cells will be found in rules 256, 697 and 712 to 714 of the Jail Code. With regard to the privileges mentioned in the question, reference is invited to the rules for special class prisoners published in a *communiqué* on the 30th December, 1921. Government do not think it necessary to issue any special order as suggested in the question.

Unstarred Questions

(answers to which were laid on the table).

Specialist for water hyacinth problem.

162. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state—

- (i) whether it is a fact that a specialist has been engaged to investigate into the means for destroying water hyacinth;
- (ii) if so, what means have been recommended by him;
- (iii) whether any cheap remedy has yet been found;
- (iv) whether the Government are taking any steps to do away with the nuisance, other than those prescribed by the district board and municipal by-laws;
- (v) whether any sum has yet been allotted for such purposes; and
- (vi) what is the qualification and pay per mensem of the specialist?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): No specialist has been engaged, but a Committee composed of officials and non-officials, with Sir J. C. Bose as President, has been appointed to inquire into the spread of water hyacinth in Bengal and to suggest measures for its eradication. The report of the Committee is being awaited.

Inspectors and auditors of the Co-operative Department.

163. Maulvi MAHAMMED MADASSUR HUSSAIN: (a) Is the Hon'ble the Minister in charge of the Department of Agriculture and Industries aware that the eleventh Co-operative Conference, while resolving that the pay and prospects of the inspectors and auditors should be greatly improved, unanimously suggested that the pay and prospects of the inspectors should be the same as those of the sub-deputy collectors?

(b) Is it a fact that the Hon'ble the Minister in his concluding speech as the President of the eleventh Provincial Co-operative Conference said that in spite of the difficulties of the Bengal finance the pressing question of the revision of the pay of the inspectors and auditors could hardly be postponed any longer?

(c) Is it a fact that Mr. Donovan, the late Registrar, submitted a scheme about the re-organisation of the services of the inspectors and auditors in or about June, 1921?

(d) If so, will the Hon'ble the Minister be pleased to state—

- (i) what orders, if any, have been passed on that scheme; and

(ii) whether any additional allotment has been made in the budget of 1922-23 for the prospective increase in the pay of the inspectors and auditors?

(c) If no additional allotment has been made, will the Hon'ble the Minister be pleased to state the reasons?

(f) If the answer to question (d) (ii) is in the negative, will the Hon'ble the Minister be pleased to state whether it will be possible to give effect to any scheme subsequently approved by the Government?

(g) Is the Hon'ble the Minister aware that discontent exists among the inspectors and auditors on account of their inadequate pay and prospects?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (a) The Conference unanimously resolved that the pay and prospects of inspectors and auditors and supervisors are inadequate and should be improved. Only the mover of the resolution suggested that the inspectors should be placed on a footing of equality in respect of pay and status with sub-deputy collectors.

(b) Yes.

(c) Yes.

(d) (i) The details of the scheme for reorganisation are still under consideration.

(ii) The question of budget provision depends on the availability of funds and the vote of the Legislative Council. No definite statement can therefore be made at this stage.

(e) and (f) In view of the answer to (d) (ii) the questions do not arise.

(g) No representations on the subject have been received, but Government understand that these officers expect some improvement in their pay and prospects.

Special officer in charge of Malaria research and Kala-azar.

164. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(i) the yearly expenditure incurred for retaining the special officers in charge of the Kala-azar inquiry and in charge of Malaria research;

(ii) the period of their services as such; and

(iii) whether any original discoveries were made by the present incumbents during their tenure?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjee): (i) and (ii) A statement is laid on the table.

(iii) A note by the Director of Public Health is laid on the table.

Statement referred to in the reply to clauses (i) and (ii) of question No. 164, showing the expenditure incurred yearly for retaining the present Special Officer in charge of the—

(i) MALARIA RESEARCH BRANCH.

Year.	Salary.			House allowance.			Travelling allowance.			Total.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1916-17 ...	5,460	0	0	1,176	4	1	1,648	2	4	8,284	6	5
1917-18 ...	7,445	0	0	1,330	2	7	2,174	5	0	10,949	7	7
1918-19 ...	8,400	0	0	1,505	0	0	2,905	12	0	12,810	12	0
1919-20 ...	10,200	0	0	1,505	0	0	2,614	10	0	14,319	10	0
1920-21 ...	12,682	4	2	1,386	7	3	1,710	2	0	15,778	13	5
1921-22 ...	4,492	8	7	391	3	7	873	1	0	6,756	13	2
Grand total ...	48,679	12	9	7,294	1	6	11,926	0	4	67,899	14	7

(ii) KALA-AZAR BRANCH.

Year.	Salary.			House allowance.			Travelling allowance.			Total.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1919-20 (from June, 1919, to February, 1920).*	5,400	0	0	952	9	3	1,652	3	3	8,004	12	6
1920-21 (from March, 1920, to February, 1921)	8,612	14	6	1,505	0	0	2,954	11	0	13,072	9	5
1921 (from March to December).	8,060	3	3	1,185	0	0	1,475	6	0	10,690	9	3
Total ...	22,073	1	8	3,612	9	3	6,082	4	3	31,767	15	2

* Created in June, 1918.

Note by the Director of Public Health, Bengal, in reply to clause (iii) of Question No. 164, asked by Rai Mahendra Chandra Mitra Bahadur regarding expenditure on Kala-azar and Malaria research.

It is not clear what the questioner actually means by the inquiry as to "whether any original discoveries were made by the present incumbents during their tenure." If he refers to discoveries such as those of Laveran and Ross, who in the one case made the "original discovery" of the malaria parasite itself and in the other of the fact that the malaria parasite was carried by anopheles mosquitoes from the sick to the healthy, the answer would be that they were not asked or expected to do so, but that they were intended to make an extended survey somewhat on the lines of that carried out by the medical officers attached to the Drainage Committee for the Presidency Division, with a view of discovering, as far as possible, the exact distribution of malaria and tracing its relationship to physical and other conditions with a view to discovering how far it might be possible to ameliorate the condition. From this point of view, the work done in the last few years has been of the utmost value. We have learned, for example, as a result of that work, the following important facts --

(1) Malaria in the low-lying areas is not usually associated with excess of water, as has long been believed, but that on the contrary, it usually increases coincidentally with an actual diminution of the water present on the land during the rains.

(2) Malaria is relatively mild or absent from localities subject to inundation with fertilizing silt-laden river water and that it increases in prevalence and severity when this sort of water is shut out from the country by embankments.

(3) Anopheles mosquitoes are usually relatively scarce or absent during the rainy season from localities which benefit by the "influx" of fertilizing silt-laden river water.

(4) Anopheles mosquitoes occur in enormous numbers in areas which have been deprived of this water.

(5) The construction of embankments in low-lying areas whether for roads, railways or other purposes, is almost invariably followed by an increase of malaria as shown by a rise in the spleen rate, the sickness rate, and the mortality of the affected areas.

(6) Following upon an increase of malaria and a corresponding rise in the mortality, depopulation of the affected villages commences, and simultaneously land goes out of cultivation, homesteads are deserted in the villages and an increase of jungle and useless vegetation occurs. These and many other important facts, having a similar bearing on the problems of Bengal malaria, have been brought to light by the malaria officers of the department. Whether or not they are to be classed as "original discoveries" is possibly open to discussion, but the fact remains that at present these discoveries are not to be found in any published text-book on malaria, and in consequence they still remain unrecognised by many medical men and others who are accustomed to gain their knowledge of the epidemiology of the disease principally by the reading of such text-books.

Nevertheless, it is the discovery and repeated confirmation of the facts referred to which enables me to echo with confidence the remarks of His Excellency Lord Ronaldsday before the representatives of the District Boards on January 29th, 1914.

"If you could dry up Bengal, mosquitoes would very soon disappear. But you cannot of course dry up Bengal. You might as well try to dry up the sea. In a country which is naturally a dry country like the Punjab, for instance, you may set to work to remove all superfluous water by draining the country. In Bengal, however, some other method must be devised. If then you cannot

get rid of the water, the next best thing to do is to change its character, that is to convert the numberless small shallow pools with a maximum of edge and a comparatively low temperature into large expanses of water with a minimum edge and a higher temperature. The water which covers the land, especially during the wet season is derived from two sources, viz., spill water from the rivers and rain. Under these circumstances, the object which we have in view can be achieved by holding up the water on the land during the wet months, in other words, by flooding the country; and by draining off the flood at suitable seasons. To do this satisfactorily we must call in the Engineer and get him to construct embankments and sluices. If by these means we can regulate the amount of water on a given area of land we cannot only bring about conditions which are unfavourable to the breeding of mosquitoes, but can also guard against damage being done to the crops, and indeed, we can enormously improve the crops. By a fortunate dispensation of Providence, the staple crops of Bengal—jute and rice—are crops which grow in standing water and if we regulate the inflow and the efflux of the water scientifically, we can not only destroy the mosquito larva and maintain a level of water suitable for the production of good crops, but we can actually improve the fertility of the land by allowing the inflowing water to deposit its silt upon the soil."

2 It is not generally realized that although kala-azar was known to occur in parts of Bengal, prior to the investigation undertaken by the Assistant Director of Public Health, no one suspected how wide-spread the infection was. Certain important facts have also been brought to light in regard to the sex distribution of the disease. It has also been shown to be mainly of a sporadic type, rather than the epidemic type common in Assam.

Superintendents of Industries.

165. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state the number, names and special technical qualifications, if there be any, and the salary of the gentlemen recently appointed as circle inspectors in the Department of Industry?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: The member is referred to the answer given to the unstarred question No. 231 (a) asked by him at the meeting of the Council held on the 5th September, 1921. The scale of pay sanctioned for these officers is Rs. 200—20—700.

The designation of the circle officers has since been changed to Superintendents of Industries.

Department of Industry.

166. Rai MAHENDRA CHANDRA MITRA Bahadur: (a) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing the duties of all circle inspectors?

(b) Will the Hon'ble the Minister be pleased to state whether any result has been achieved in the field of industry by any of these circle inspectors within their official jurisdiction?

(c) Will the Hon'ble the Minister be pleased to lay on the table a statement showing the number, name and special qualifications of the Economic Botanists to the Government of Bengal together with the nature of their work of investigation, and the results so far achieved?

(d) Will the Hon'ble the Minister be pleased to state the cost incurred by Government for employing these officers?

(e) Will the Hon'ble the Minister be pleased to lay on the table the average amount of yearly expenditure under the head "Establishment Charges and travelling" for the Department of Industry, Bengal?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (a), (b), (c), (d) and (e) The member is referred to the answer given to the unstarred question No. 231, asked by him at the meeting of the Legislative Council held on the 5th September, 1921.

**Attendance of non-official elected members of the Bengal
Legislative Council.**

167. Babu NALINI NATH ROY: Will the Hon'ble the Member in charge of the Legislative Department be pleased to lay on the table a statement showing

- (i) the number of days on which the Bengal Legislative Council sat from January to December, 1921, and
- (ii) the attendance of each of the non-official elected members during the said period?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Henry Wheeler): (i) Sixty days

(ii) A statement is laid on the table

Statement referred to in the reply to unstarred question No. 167, showing the attendance of the non-official (elected) members of the Bengal Legislative Council at meetings held during the year 1921.

NOTE—The attendance of members who died or resigned during the course of the year has not been shown.

Name of non-official elected members		Total number of days the Council sat since the member was elected	Total number of days attended
1. Adly, Babu Amulya Dhone	...	60	58
2. Afzal, Nawabzada K.M., Khan Bahadur.		60	60
3. Ahmed, Khan Bahadur Maulvi Emdaduddin.		60	45

Name of non-official elected members.		Total number of days the Council sat since the member was elected.	Total number of days attended.
4	Ahmed, Khan Bahadur Wasimuddin	60	59
5	Ahmed, Maulvi Azal aruddin	60	48
6	Ahmed, Maulvi Rah Uddin	60	55
7	Ahmed, Maulvi Yaqunuddin	60	60
8	Ahmed, Mr. M.	60	30
9	Ahmed, Munshi Jafar	60	51
10	Aley, Mr. S. Mahboob	29	20
11	Ali, Maulvi Syed Muksood	60	20
12	Ali, Mr. Syed Erfan	60	52
13	Ali, Mr. Syed Nasim	60	37
14	Ali, Munshi Amir	60	44
15	Ali, Munshi Ayub	60	44
16	Arshamuddin, Maulvi Khandakar	60	49
17	Azam Khan Bahadur Khwaja Mohamed.	60	60
18	Banerjee, Rai Bahadur Abinash Chandra	60	32
19	Barma, Rai Sahib Panthanan, M. B. E.	60	35
20	Barton, Mr. H.	60	38
21	Basu, Babu Jatindra Nath	60	53
22	Beadell, Mr. C. F.	25	19
23	Bose, Mr. S. M.	60	57
24	Carey, Mr. W. L.	60	24
25	Charmakar, Babu Rasik Chandra	60	53
26	Chaudhuri, Babu Kishori Mohan	60	60
27	Chaudhuri, Babu Tanuomath	60	47
28	Chaudhuri, Khan Bahadur Maulvi Hafizar Rahaman	60	50
29	Chaudhuri, Maulvi Shah Muhammad	60	43
30	Chaudhuri, Rai Harendra Nath	60	48
31	Chaudhuri, Sir Asutosh, K. C.	60	36
32	Cohen, Mr. D. J.	60	10
33	Currie, Mr. W. C.	29	17
34	Das, Mr. S. K.	60	39
35	Dasgupta, Rai Bahadur Nitaran Chandra	60	58
36	De, Babu Fandora Lal	60	47
37	Doe, Rai Bahadur Pyari Lal, M. B. E.	60	46
38	Dutt, Mr. Ajay Chunder	60	43
39	" Rai Bahadur Dr. Haridhan	60	58
40	Dutta, Babu Annada Charan	60	52
41	" " Indu Bhushan	60	52
42	Farouqi, Mr. K. G. M.	60	55

Name of non-official elected members.		Total number of days the Council sat since the member was elected.	Total number of days attended.
43.	Forrester, Mr. J. Campbell	60	52
44.	Ghatak, Rai Bahadur Nilman	60	45
45.	Ghose, Mr. D. C.	60	58
46.	" Rai Bahadur Jogendra Chunder	60	50
47.	Gordon, Mr. A. D.	60	47
48.	Haq, Maulvi A. K. Fazl-ul	60	48
49.	" Shah Syed Emdadul	60	56
50.	" Maulvi Ekramul	60	55
51.	Hussain, Maulvi Mohammed Madhusur.	60	37
52.	Jamieson, Mr. R. H. L. Langford	60	38
53.	Janah, Babu Sarat Chandra	60	17
54.	Karim, Maulvi Abdul	60	58
55.	" " Fazlul	60	60
56.	Khan, Babu Debendra Lal	31	25
57.	" Maulvi Hamid ud din	60	57
58.	" " Mohammad Bahadur Uddin	60	59
59.	" " Mr. Razvir Roshan	60	54
60.	Khan, Chaudhury, Khan Bahadur Maulvi Muhammad Ershad Ali	60	51
61.	Larnour, Mr. F. A.	60	47
62.	Law, Raja Ramesh Chandra	60	41
63.	Makannah, Munshi	60	50
64.	Mallick, Babu Surendra Nath	60	56
65.	McKenzie, Mr. D. P.	60	50
66.	Mitra, Rai Bahadur Mahendra Chandra	60	59
67.	Mitra, Dr. Jatindra Nath	60	52
68.	Morgan, Mr. G.	60	36
69.	Mukherjee, Babu Satish Chandra	60	32
70.	Mukherjee, Babu Nitya Phou	60	50
71.	Muchopadhaya, Babu Sarat Chandra	60	50
72.	Mullick, Babu Nirode Babu	60	59
73.	Nakey, Mirza Muhammad Ali	60	46
74.	Nasker, Babu Hem Chandra	60	58
75.	Pahlgwan, Maulvi Muhammad Abdul Jabbar.	60	48
76.	Pal, Rai Bahadur Radha Charan	60	50
77.	Poddar, Babu Keshoram	60	23
78.	Pugh, Colonel A. J.	60	31
79.	Rae, Mr. W. R.	60	35
80.	Railut, Mr. Prasanna Deb	60	44
81.	Rauf, Maulvi Shah Abdur	60	50

Name of non-official elected members.		Total number of days the Council sat since the member was elected.	Total number of days attended.
82.	Ray, Babu Bhabendra Chandra ...	60	25
83.	" " Surendra Nath ...	60	60
84.	" Kumar Shib Shekharaswar ...	60	60
85.	" Rai Bahadur Upendra Lal ...	60	29
86.	Ray Chaudhuri, Babu Brijendra Kishor.	60	37
87.	Ray Chaudhuri Raja Manmatha Nath	60	44
88.	Roy, Babu Jogendra Krishna ...	60	38
89.	" " Jogendra Nath ...	60	44
90.	" " Nalin Nath ...	60	59
91.	" Maharaja Bahadur Kshama Chandra.	60	43
92.	" Mr. Bijoy Prasad Singh ...	29	24
93.	" Mr. J. E. ...	60	30
94.	" " Tarit Bhushan ...	60	49
95.	" Rai Bahadur Latit Mohan Singh	60	49
96.	" Raja Mandoli Singh, i.e., ...	60	58
97.	Roy Chaudhuri, Babu Saajan Nath ...	60	47
98.	Salam, Khun Bahadur Aledun ...	60	37
99.	Sarkar, Babu Jogesh Chandra ...	60	45
100.	" " Rishindra Nath ...	60	50
101.	Sinha, Babu Surendra Narayan ...	60	53
102.	Stark, Mr. H. A. ...	60	47
103.	Suhrawardy, Dr. A. ...	60	49
104.	" " Hassan ...	60	48
105.	" " Mr. Huseyn Shahid ...	60	55
106.	Traversa, Mr. W. L. ...	60	20
107.	Watson Smyth, Sir R. M., K.C. ...	60	45

**Strength of Police force in the 24-Parganas district and
number of crimes therein.**

108. RAI HARENDRANATH CHAUDHURI: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing

- (i) the total number of the police force, i.e., officers and constables, attached to each police-station in the district of the 24-Parganas in the years 1911, 1916, and 1921; and
- (ii) the number of (a) cognisable crimes, (b) dacoity cases, (c) cases of robbery, (d) murder cases, (e) culpable homicide, and (f) theft cases reported from the area under each police-station in the said district in every quinquennium from 1906 to 1921?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Henry Wheeler): (i) and (ii) It has been ascertained that the collection of these figures would involve considerable time and labour. In view of the somewhat remote bearing of any statistics of 1906 and 1911 upon the circumstances of the present day, it is not considered necessary to direct this compilation.

Stoppage of district board grant to Sibhati Middle English School and other schools in the Basirhat subdivision.

169. Rai HARENDRANATH CHAUDHURI: (a) With reference to the answer given to unstarred question No. 127 by Maulvi Farlal Karim for the meeting of the 1st April, 1921, will the Hon'ble the Minister in charge of the Department of Education be pleased to state why the district board grant to the Sibhati Middle English School in subdivision Basirhat, in the district of 24-Parganas, was stopped?

(b) Is it not a fact that, even after the removal of the defects and irregularities noticed, and after the recommendation for the renewal of the district board grant by the Additional Inspector of Schools, Presidency Division, the district board grant to the Sibhati Middle English School was not renewed?

(c) Will the Hon'ble the Minister be pleased to state whether it is a fact that the sudden stoppage of district board grant resulted in the Panitar Middle English School in the same subdivision and the Bernachampa School in the subdivision of Barasat being closed down?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (a) The grant was stopped, owing to the existence of grave irregularities in the conduct of the school, on the recommendation of the District Deputy Inspector of Schools, 24-Parganas.

(b) The Inspector of Schools, Presidency Division, recommended the renewal of the grant on the 23rd November, 1921, and it will be paid in due course.

(c) No. Panitar Middle English School fell into a state of decay before the district board grant was suspended in March, 1920. Government have no information of any school ever having existed at Bernachampa.

Railway between the Padma and Dhaleswari.

170. Rai PYARI LAL DOSS Bahadur: (a) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether the Committee appointed to report as to the feasibility of a railway construction in the tract between the rivers Padma and Dhaleswari has submitted its report?

(b) If so, what action, if any, have the Government taken upon it?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS
(the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur):
 (a) and (b) The member is referred to the reply given to question No. 58
 (a) (ii), asked by Babu Brojendra Kishor Ray Chaudhuri at the meeting
 held on the 19th January, last.

**Assistant Director of Public Instruction for Muhammadan
 Education.**

171. Maulvi FAZAL KARIM: (a) Will the Hon'ble the Minister
 in charge of the Department of Education be pleased to lay on the table
 a statement showing—

- (i) the date when the post of Assistant Director of Public Instruction for Muhammadan Education was first created;
- (ii) the annual cost of the post including the establishment, etc.; and
- (iii) the work of importance done by him to further the cause of Muhammadan education?

(b) Will the Hon'ble the Minister be pleased to state whether the Assistant Director can take any initiative in any matter regarding Muhammadan education without the sanction of the Director of Public Instruction?

(c) Was there any occasion when the Director refused to comply with the suggestions of the Assistant Director in the matter of furthering the cause of Muhammadan education?

(d) If so, what were those suggestions or recommendations?

(e) Are the Government considering the desirability of abolishing the post of Assistant Director of Public Instruction and of utilising the savings thereof in granting stipends to deserving Muhammadan boys?

The Hon'ble Mr. P. C. MITTER: (a) (i) 21st August, 1913.

(ii) Rs. 26,000.

(iii) This officer has no separate office. He forms an integral part of the Director's office. He has no separate budget; no jurisdiction over any institution but is an advisory officer only. In addition to his headquarters duties he tours all over the province and discusses with and advises the Inspectors of Schools in regard to all matters connected with the education of Muhammadans and has the power of an Assistant Director of Public Instruction to deal with cases relating to the education of Muhammadans. He is also a general adviser to Government regarding Muhammadan clerical appointments.

(b) The Assistant Director for Muhammadan Education has no executive authority except that delegated to him by the Director. He works as an Adviser and Assistant of the Director, and as an adviser he necessarily initiates proposals.

(c) and (d) It is inevitable that the Director, who is in charge of education as a whole, is not always able to accept or carry through the

recommendations of an officer who deals with the interests of only one section of the community. Such cases have occurred. Financial difficulties have also frequently prevented action on the Assistant Director's recommendations. A list of the cases could be given only at the cost of much search, and the value of the information would not justify the labour involved.

(c) No. The appointment was made and has been continued in deference to Muhammadan public opinion. If Government be satisfied that the suggestion has really the support of the Muhammadan public, Government would be prepared to consider it.

Resolutions

(under the rules for the discussion of matters of general public interest).

Annual grant to municipalities and district boards.

Babu SURENDRA NARAYAN SINHA: The resolution standing in my name runs as follows—

"This Council recommends to the Government that an annual grant be given to every municipality and district board of Bengal, to be known as a sanitary grant according to the condition and needs of the municipality and district board, and that provision be made accordingly in the budget of 1922-23."

From what I have heard from the Hon'ble Minister in connection with a resolution of Dr. Jatindra Nath Maitra in November last and from the subsequent conversation which I had with the Hon'ble Minister, I understand that the Hon'ble Minister accepts the principle of helping district boards by loan of grants and as regards the municipalities the Hon'ble Minister is willing to help them, on receiving application, by grants as far as circumstances permit.

Therefore, I do not see any necessity of moving the resolution and beg to withdraw it.

The resolution was then, by leave of the Council, withdrawn.

Alleged excesses committed by Police and Civil Guards.

Babu SURENDRA NATH MALLIK: I move that "this Council recommends to the Government that immediate steps be taken by the Government for the appointment of a joint committee of inquiry (consisting of two officials and five non-official members of the Council—the latter to be elected by the Council) for inquiry into the alleged excesses committed by some members of the Calcutta Police Force also of the Civil Guard on the 25th, 26th and 27th December, 1921, at Mechua-bazar and other places in Calcutta, with a view to find out what offences, if any, have been committed by them and what steps, if any, should be taken to prevent the recurrence of any such offences and excesses in future."

This motion, I might say, is the outcome of the extremely helpless condition to which the people in various parts of Calcutta, especially in Mechuabazar, Entally and Marcus Square locality were put, owing to the alleged excesses in the shape of merciless assaults and wholesale loot by some of the members of the Police service and the Calcutta Civil Guard in the fourth week of December last. Immediately after the occurrence of these incidents inquiries were made by some respectable citizens of Calcutta, amongst whom were some members of this Council. In the open inquiry held in these places, there were witnesses from all sections of the community—Hindus, Muhammadans and Christians, Indians and Europeans, householders and shop-keepers, teachers and missionaries—who were examined to ascertain the facts correctly. The medical men who attended to the injured persons were examined; and first-hand information from the hospitals was also obtained by those who held the inquiry. As a result of these inquiries *prima facie* evidence was obtained by them. Before these inquiries were fully completed, there was a committee formed of a number of well-known citizens of Calcutta, of various shades of political opinion, for taking steps in the matter with the help and co-operation of the Government. The committee was meant for the protection of the people of the country against police high-handedness and *zulm* and it had Mr. B. C. Chakraborty, as its President and my friend, Mr. Mahboob Ali, was its Vice-President and my esteemed friend, Sir Asutosh Chaudhuri, was also a member of the committee. The committee requested one of its able members, Rai Radha Charan Pal Bahadur, to arrange with the Government for receiving a deputation so that it might place before His Excellency the Governor the facts which it had ascertained in the course of its preliminary inquiry, and to discuss with him the abnormal situation with a view to prevent the recurrence of such things and to assure the public mind against the severe excesses and the inconceivable outrages committed by certain members of the Police and the Civil Guard. To the infinite regret of the Protection Committee—if not to their great surprise—they were told by Government that the deputation could not be received as no useful purpose would be served by doing so. The assertion of this reason is a part of the bureaucratic creed, and it is always availed of when they apprehend and foresee a fearful exposure or a well-merited criticism. The committee therefore had no other alternative, than to complete their inquiry with a view to keep the evidence available for any future impartial inquiry by an authorised Board of Inquiry which the members of this Council were expected to be able to bring into existence by moving in the Council resolutions of this character. Hence this resolution and hence this demand for a joint committee of inquiry with a view to find out what offences, if any, had been committed, and to take steps to prevent such woeeful excesses in future.

The question, therefore, is whether we should take steps to save the people, our countrymen, from the dangerous effects of unbridled license

conferred on the police by the executive; or we should pocket all insults, assaults, humiliations, loot, etc., by the police on ourselves and expect and encourage all such treatment of us in the future.

Then comes the question of the incidents that occurred at Entally, Marcus Square, etc. In my motion I included Entally also, but I am told by the Secretary to the Council that I could not include it in the scope of my resolution as an inquiry was already being held in that matter by the Sealdah Magistrate. I have unfortunately to differ from that view, but I do not like to press the matter. The inquiry that the Magistrate is holding is about the death of a "man name unknown," and nothing more. I do not wish to go into details, as they are all known and the evidence has been published in the Indian newspapers from day to day. With regard to the inquiry made at both these places by the committee, I may say that up to the present day they have examined over 300 witnesses who spoke of having received assaults, insults, humiliations, etc. and who spoke of the use of fire-arms by the Civil Guards and loot in several cases in their presence.

As there are many other members who are willing to speak, as I presume from the numerous resolutions on the subject, I do not like to take up much time of the Council, as they are sure to go into details. Therefore, I only move my resolution for appointing a joint committee of inquiry not from the point of view of a mere abstract satisfaction, but for the definite purpose of seeing what offences, if any, have been committed, and what steps should be taken in order that there may be no recurrence of such offences and excesses. It has been suggested that it is too late. But I do not think it is so, and in order to avoid criticisms of that description which were levelled against me in connection with the Chandpur incidents, it was I who pressed that the evidence of witnesses be recorded and preserved so that they might be utilised in future. These sorts of arguments will not hold under the present circumstances. The doctors are here, the medical men are here, the injured people are here; their names, addresses, and statements are already down and these will be available for use by the joint committee which I propose. The question of belatedness cannot possibly arise in this case.

I do not wish to take up further time of the Council and I hope that the members will accept the resolution and give it their support. That is all that I have to say.

Withdrawal of resolution.

MR. HUSEYN SHAHEED SUHRAWARDY being absent, the following resolution standing in his name, was deemed to have been withdrawn:—

"This Council recommends to the Government that a committee consisting of seven members, five being elected by the non-official

members of the Council from amongst themselves, be appointed to inquire into the incidents at Mechuabazar on the 26th December, 1921."

Incidents at Mechuabazar.

Rai RADHA CHARAN PAL Bahadur: I move that "this Council recommends to the Government that a committee of public inquiry composed of official and non-official members in the proportion of one-third and two-thirds respectively, be appointed to investigate and report upon all the circumstances relating to the occurrences at Mechuabazar on the 26th December, 1921, with special reference to the allegations against the Police and the Civil Guards in connection therewith."

The resolution which I have the honour to move runs almost on the same lines as the other resolutions, one of which has been moved by the previous speaker. I am sure the Government will realise that it contains the same request—the request for the appointment of a mixed committee of inquiry to inquire into the allegations that have been made. I may observe that when the incidents took place at Mechuabazar in the early morning of 26th December last, the whole of the northern part of the town was plunged into panic and sensation, and there was a general stampede from that locality as the people thought that their lives and property were not safe. Some of the respectable residents of the locality were approached the next day, and requested (I was one of them who happened to live close by) to go to the spot to see what occurred there the night previous and to make local inquiries. Local inquiries accordingly were made by those gentlemen, who visited the various places, which were alleged to have been looted and raided by the police, and after some preliminary inquiry they were satisfied from the *prima facie* evidence that was available that considerable damage was done and the allegations of loot and raid were not baseless. Accordingly the gentlemen who were present at the inquiry on the 27th evening drove to the Commissioner of Police, who was not present in his quarters and could not be found. They, therefore, drove to the Hon'ble Sir Henry Wheeler at the Bengal Club and had an interview with him. He said he would ask for a report, and when the gentlemen requested that a public inquiry should be held into the matter he replied that he would first of all ask for a report from the Commissioner of Police on the subject. About that time the People's Protection Committee came into existence, under circumstances already related by the previous speaker, and the gentlemen who took part in the inquiry were invited to place before the Committee whatever materials they had collected, and this was done. I may also state that some responsible members of the Muhammadan community, among whom was Mr. Shafeed Suhrawardy, also made some inquiry after we had left and took certain notes. All these facts were placed

before the committee—the constitution of which has already been described—who considered that it would be best to approach His Excellency the Governor on the subject, and consequently an application was made for the purpose of waiting upon him on a deputation to explain what transpired at Mechuabazar and to ask for a public inquiry. Eventually that move of the committee ended in nothing, as evidently the proposal was not acceptable to the Government. I need not enter into further details on that point here. Then the committee had no option but to appoint authoritatively on their own behalf certain gentlemen to take down evidence in due course by notifying the public to come and depose as to what they knew of the whole affair. The gentlemen appointed for the purpose accordingly assembled at Mechuabazar Street in a *masjid* for a couple of days and took and noted down all that the witnesses deposed. That evidence is now in the possession of the committee and will be available if the Government would kindly take the matter up and appoint a committee as suggested.

It appears from the evidence that has been placed before the committee that in the small hours of the morning of the 26th December, there was a regular raid beginning from the mosque at Mechuabazar Street almost opposite the Marcus Square down to Central Avenue and from Central Avenue further westward in the direction of Chitpur Road and that no less than 19 (and it is stated many more) shops were raided and looted and the inmates intimidated and brutally assaulted. Indeed some of them showed the injuries they received, some of them came with their hands in slings, some were limping, and some were in a half limping condition (perhaps they were limping before). All this shows that there is a *prima facie* case for an inquiry. It is unfortunate that the inquiry that was held was not a Government inquiry because in that case the police officers would have been present, there would have been cross-examination and the police would have been able to present their side of the case before the committee. However, the committee had no option but to take whatever evidence was available, and the evidence they collected unmistakably shows that something very serious occurred in that part of the town, and it deserves a sifting inquiry by Government. Some time afterwards, perhaps after the notice of these resolutions was sent up, Government issued a belated *communiqué*, stating that an inquiry was held—whether that was the inquiry promised by the Hon'ble Sir Henry Wheeler I do not know—by Mr. Bird, the Deputy Commissioner, and the *communiqué* is nothing but a resume of the report submitted by that officer. I will deal with that report later on.

In the first place, I desire to draw attention to the fact that some members of the community with the utmost confidence approached a Member of the Government to ask for a public inquiry into the allegations made against the police. Some time elapsed, and it is now published to the world that those who were the accused, whether rightly

or wrongly I do not know, were made the judges. They submitted a report to Government, which is now published by them as apparently their own deliberate verdict. It is often declared from the highest quarters that the representatives of the people and the Government should act in collaboration. I ask the Members of the Government whether this sort of collaboration would ensure the confidence of the public, which is the desire of every right-thinking man of the community?

Then I come to the Government *communiqué*, which in a manner admits the raid. It is said that one tea-shop, two cloth-shops and one rice-shop were raided, whereas the evidence (I have got copies of the evidence in my hands) shows that no less than 19 shops were raided or looted. I do not wish to weary the House with the names and addresses of the owners and the description of the shops, but the evidence in my hands shows that 19 shops were raided and considerable damage was done to their property.

One other thing that I wish to touch upon is the deplorable and most brutal murder of a constable. I do not want to discuss that point now but later on I shall say something regarding it. What I want to say is this that even assuming that the murder was committed by some hooligans, is that any reason why the whole locality should be turned topsy-turvy and the people should be assaulted indiscriminately? We are all loyal subjects of His Imperial Majesty the King-Emperor; there are good men as well as bad men, but should the good men suffer equally with the bad men and the police be given a free hand to roughly handle them? Is this the way to win the loyalty and allegiance of the teeming millions of the people of India? I appeal to the conscience of the British nation through the Government here, and I hope my words here will reach the ears of the Secretary of State, the Prime Minister and His Majesty the King. I am not a non-co-operator; I believe in the justice and beneficence of the British Government; so I ask are the good men to suffer equally with the bad men? However, there is ample ground for a public inquiry.

Now I come to the murder of the constable. The whole thing seems to be shrouded in mystery. A solitary constable, one of my countrymen, has been murdered. If he has been murdered by hooligans, why is the Government sitting idly? Why is there no judicial inquiry in the matter? I do not say that the police are to be punished, if any hooligan or bad character has done the deed, but why is it that no efforts are made to punish the offender? Government seems to be silent. Government has issued a *communiqué*, but there is no indication that efforts are being made to trace the culprit; on the contrary there is a difference in the report of the two police officers, one says the death was due to gun shot and the other that it was due to *lathi* blows or hammering by *lathis*, and I do not know what actually was the case. What I want to say is that it is rather strange that there should be two versions; so I think

public inquiry will reassure the public mind and remove much of the misapprehension that at present exists. I know from personal experience that in the northern part of the town, the Indian constables were somewhat less warm than the European sergeants in the execution of their duties; they were not so aggressive or overzealous as the European police sergeants and it is said - I hope it is based on false report - that that *parawalla* might have been unpopular with the police sergeants and, therefore, lost his life in that way. I do not give credence to that report, but it is no use blinking the fact. It is no use shutting our mouth here when tens and hundreds of thousands of people in the northern part of the town speak of it. So I say a public inquiry would dispel that wrong impression. But Government does not feel inclined to accept the suggestion. Why does the Government fear? Government will not lose anything thereby; on the contrary a public inquiry will strengthen the hands of the Government and the public will be assured when they learn the actual facts, and the Hon'ble Sir Henry Wheeler from his seat in the Council will be able to speak with redoubled force that Government have been maligned and misrepresented; the public will thus be assured and the forces against Government weakened. I regret that the Government thought it fit to brush aside our request and issued a *communiqué* which is simply a reproduction of the report of Mr. Bird, the Deputy Commissioner of Police. Then as regards the desecration of the mosque. You will find from the report that not much is said about the desecration of the mosque - in the Government *communiqué*, I mean. The *communiqué* seems to be rather silent on the point. This is a very grave matter: the mosque was alleged by witnesses, by the people - they seem to be very respectable people - and by the Imam to have been desecrated. There were more or less 82 people examined, their names are all here in the list which I hold. I do not know whether they all conspired together to lie from beginning to end; the Imam and other people connected with mosque are well known, elderly people. They all said their mosque was raided, boxes were broken open, money was taken away, the *Koran* was flung away, and the police entered the mosque with shoes on; the chandelier hanging in the centre of the mosque was broken. Babu Surendra Nath Mallik, Dr. Suhrawardy and other gentlemen were there, and they also saw the broken pieces lying around; it is the new brick-built building standing in that locality. All the people stated that these things were done by the police. This is a very serious matter, and I may say that the Muhammadan community are more enraged than the Hindu community, although the Hindus sympathise with them, and I know very great feeling has been roused among the Muhammadans on this account. Not a single word about proper inquiry has been said about this in the *communiqué*; it is simply passed over. For the reputation and fair name of the police and the prestige of the Government, I think a public inquiry ought to be held. Government ought to know that the people are not satisfied with this *communiqué* which

gives one the impression that nothing serious happened and that everything went on as merrily as a marriage bell. The people cannot accept this *communiqué* as gospel truth. After all human nature is human nature, and if the police were provoked possibly owing to the murder of this unfortunate constable, they must have entered the mosque for sheer revenge. Therefore, I think that this is a matter which demands an inquiry. So much stress has been laid upon this matter by a section of the community, that it is the bounden duty of the Government to inquire into it. Government, I know - it is not only in Sir Henry Wheeler's time, although it may not be so often in his time, but before him - is very careful to see that the religious feelings of the people are not wounded at all, they are very careful in this respect. I am sure Sir Henry Wheeler will agree with me that the religious feelings of the Muhammadans have been deeply wounded.

I need not take up the time of the Council by going into further details; the facts are well known, but I can go on giving further instances and names of the people who were eye-witnesses of all that occurred; I have it all in these papers which I hold in my hand, but I sincerely hope that at least one of the resolutions will be accepted and an inquiry will be held. I do not say that all these allegations are wholesale true but what I say is this - associated as I am with the Government, co-operating as I do with the Government - I am sincerely anxious for the fair name of the Government, for the stability of the British Government. I say it is necessary that a public inquiry should be held and that the misgivings of the public should be set at rest.

Babu INDU BHUSHAN DUTTA: I move that this Council recommends to the Government that a Committee consisting of seven members, five of whom shall be non-official members of this Council (elected by the non-official members of this Council by means of the single transferable vote), be appointed to inquire into and report about the happenings in Mechuabazar on the 26th December 1921."

The Mechuabazar affair is one of those dark episodes, which convulsed the whole people of this province and specially of Calcutta during the last Christmas week, and it is a sad pity that no clear light has yet been thrown on this matter. It is not as if the matter has not been persistently brought to the notice of the authorities. Both privately and in the public press, the necessity of a responsible inquiry has been urged on the Government, but with that contempt for public opinion, which has unfortunately characterised some of the recent actions of the Government, the matter has not been elucidated. A belated *communiqué* has, indeed, been issued but instead of throwing full light on the affair, it only makes the darkness more visible. A police constable was brutally done to death, some shops have been broken open by the police, a mosque has been reported to have been desecrated by the police,

and yet the Government have not thought the matter serious enough to deserve the honour of even a magisterial inquiry. An inquiry has indeed been made, but by whom? Not by an independent committee, not even by a Magistrate, but by a Deputy Commissioner of Police—a representative of the very police against whom the allegations have been made. And on the report of this police officer, Government has issued a *communiqué*. I must confess, I do not know whether to laugh or cry at this procedure of the Government. When the question of the separation of the judicial and executive is being seriously discussed by a Governmental Committee, can this sort of inquiry inspire any confidence in the minds of the people?

What are the main features of the whole affair? There are three important published reports before us; one is a report published in the *Englishman* of the 27th December, a report evidently based on information supplied by the police, because it clearly asserts how the Assistant Commissioner, Babu Bhupendra Nath Banerji, arrived there and what the police did; then there is a report signed by Babu Shyam Sundar Chakravarty, editor of the *Servant*, published in that paper of the 28th December, and thirdly, this Government *communiqué*. Even a casual study of these three documents will convince anybody that there is something wrong somewhere. The first affair is that a policeman has been *doled* to death. In the *Englishman's* report, we find it said that the "Police suspecting the tragedy was committed by gun shots, rounded the locality and made a thorough search." There is then a great deal of talk about how the poor constable had ordered the dispersal of a band of *goondas* who had been out to terrorise the people, and how it is suspected that the *goondas* assaulted him and did him to death." Considering that the official *communiqué* says that the first intimation of the death of the constable was the finding of the dead body itself, I suppose it may not be wrong to suspect that all this talk about *goonda* attack must have come from the fertile brain of some person, or, else, are we to believe that in this land of wonders, dead men tell tales to the reporters of such newspapers? The Government *communiqué* says that the poor constable's skull was fractured in several places, five or six ribs were broken and that there was compound fracture in the right leg. With all these terrible and tell-tale signs of assault, we find that the "first impression of the police was that the constable had been shot." I am not a medical man, but surely, even an ordinary man can differentiate between gun shot and *lathi* beating! On this strange suspicion of gun shot, the police broke open several shops. As regards the breaking open of the shops, the report of Babu Shyam Sundar Chakravarty, who visited the place soon after the occurrence, is definite. He is a responsible person, and has made the statement over his own signature. I will not trouble the Council with a long quotation from his statement, which indeed discloses a piteous tale. I will just quote one passage—

A sweetmeat seller, Lachmi Narayan, by name, told me a previous tale as to how his shop was entered, his box broken open and ornaments and cash valued at over a

thousand rupees taken away by the police. I asked him repeatedly if it was the police or the *goondas*, who had done this. He himself, his wife and daughter all emphatically told me several times, that if they could believe their own eyes, it was done by two sergeants and *parawallas*.

Then again, regarding the mosque affair, Shyam Sundar Babu says—

The lock of the teacher's box was then forced, and rich clothes and cash to the tune of Rs 800 were taken. The sergeants then made their entry with shoes on into the prayer hall.

The rest of the description is nauseating and I will not disturb the placidity of this Council by quoting them. Shyam Sundar Babu goes on, to say—

The teacher's indignation rose to a white heat when I told him of the story of the Anglo-Indian Press that the police came to these places on the suspicion that arms were secreted there, and that the looting and assaulting was subsequently done by the *goondas*, he forthwith shouted at me, "Take me even to the highest authority and I shall tell him to his face who did it and how."

These are definite allegations and yet, the Government *communiqué*, based on the report of a Deputy Commissioner of Police, says—

No information in connection with the affair has been laid by any private persons, though when general allegations of police misconduct were published, inquiry was made to see, if any complaints were forthcoming.

I confess, I do not know what to say after this! I do not know how writes these *communiqués*, but is it possible that he thinks that the public are the most gullible idiots on the face of the earth and would swallow anything?

Then, there is the story of the fire and the Fire Brigade. The *Englishman's* report first says—

It is strongly suspected that a *bustee* shop was set on fire by the *goondas*, and the Fire Brigade staff was stoned while passing.

This sounds very nice, but I suppose that after writing this, the reporter felt that in these days, even the *goondas* might sue him for defamation, so a few sentences afterwards he says—

The fire broke out at 5 A.M. and is reported to have been caused by the upsetting of a naked oil lamp over a bundle of hemp.

This is a strange consistency indeed in a journal which talks so glibly of the responsibility of the Press. I should never have gone into such detail, but, Sir, the report makes so many assertions about what the police did and what the police did not do, that the people suspect that this report must have been based on police report. I sincerely trust that no police officer had any hand in supplying such information to the Press.

Then, Sir, as regards the stoning of the Fire Brigade, I do not know what to say. The usefulness of the Fire Brigade is recognised even by the *goondas*, because an unquenched fire not only destroys the house that has been set on fire, but is a source of great danger to the whole neighbourhood, even to the houses of the *goondas* themselves. If the beneficent firemen have been stoned, the matter must be thoroughly sifted.

Then, there have been serious allegations about the looting of shops. The good name of the police demands that a sifting inquiry be made and the truth elucidated. How is it that *goondas* could loot the shop after the police had left? Did not the police relock the shops after their search or did they not keep sufficient guard to protect the open shops? Even these matters require explanation.

To come now to the mosque affair. Even in this very Council, serious allegations have been made by a responsible member like Babu Surendra Nath Mallik, who held a personal inquiry into the matter. If I am not much mistaken Babu Surendra Nath Mallik said that he himself had seen boot marks on the quilt of the teacher of the mosque. These are serious allegations openly made in this Council. And how does the Government *communiqué* meet it? It only mentions that the allegation has been made that the police wantonly entered and desecrated a mosque. That is all! Nothing else! There is not a word as to whether an inquiry has been made about the affair or whether the allegation is true or not. This is the strangest part of the *communiqué* which has been based on the report of Mr. Bird, the Deputy Commissioner. I have heard that a cynic once said that language was discovered to conceal the thoughts of men. Is it possible that this cynic had any official *communiqués* of this sort to read, before he uttered this memorable epigram?

I seriously ask this Council, have the Government fully done their duty in this matter? I have often been abused for criticising the police and its methods, but even, I, Sir, yield to none in my belief that the life of a policeman, even if he be an ordinary constable is as precious, as valuable, as that of the highest in the land. Nay, it is the first duty of the Government to see that the life of the police is properly protected. It is absolutely necessary that a thorough and sifting inquiry should be made as to how the poor helpless constable was done to death. Is the life of a policeman so cheap that the Government can afford to wink at the affair? Is it not curious that Government can remain so indifferent, when the life of its own pet child is concerned?

Both for the police and the public, an inquiry is essentially necessary. The inquiry made by the Deputy Commissioner has not produced satisfactory result, nay, it has made some of the issues more confusing still. The prestige of the Government and the satisfaction of the public demand that a fresh inquiry must be made. Truth and real truth can hurt nobody.

Alleged high-handedness and assault by Police on citizens.

Babu KISHORI MOHAN CHAUDHURI: I beg to move "that this Council recommends to the Government that a committee consisting of seven members, of whom five are to be elected by the non-official members of this Council from amongst themselves by means of the

single transferable vote, be appointed to inquire into the alleged cases of assault and other acts of high-handedness committed on the prisoners and other citizens by the police and the military in Calcutta after the 17th November, 1921. "

I do not think I should inflict a speech on the Council in connection with this affair. To my mind, it is a necessary sequel to the proposal adopted the other day as to the withdrawal of measures taken under notifications; and the release of prisoners. The wording of the resolutions will be a sufficient condemnation of the procedure adopted by the men deputed to maintain law and order. This resolution was adopted, so far as I remember, by over 53 against 36 and if the temperament and mind of the Council is as it was on that day, then this resolution should be adopted.

I am aware that in some quarters, the sanity of the members is doubted. Yesterday, my friend Sir Henry Wheeler, in his reply to a question put by my friend Rai Radha Charan Pal Bahadur said that the law-abiding people are not much afraid of the actions of the police; it is simply an exaggeration so far as I remember—I do not remember the exact words—it is an exaggeration of the extremist camp. I believe, Sir, that these 53 members are not of this camp; they have expressed their view of the matter in clear language, and they condemn the proceedings without any hesitation. I am aware, Sir, that in certain quarters, our action was being described as Neroism on our part. If I remember aright, my friend Sir Henry Wheeler made a comment on the speech I delivered recently. It was very amusing on my part no doubt. I think my friend is preparing to take to literature on retirement as my friend Sir Nicholas Beatson Bell has done. He may also join a missionary institution. If my friend joins such an institution, his services will be very valuable; with his up-to-date knowledge of politics in India he will be able to discharge his duties to the great satisfaction of the literary public.

I cannot understand why our action should be taken in that light. We, the members, really are aware of the existing facts, and we understand the real significance of the thing. In fact, a tribunal was created with judicial and executive functions combined in them, they could easily detect anything, make arrests, try and inflict punishments, and the Government *communiqué* is at hand to support their action. It is a very cheap way of doing things, no doubt; it would even be fascinating to my friend Sir Abd-ur-Rahim because it must have relieved him of a great extent of labour and supervision in the administration of the judicial branch, and even it would augur well for poor Bengal in its financial difficulties. The fact remains that the action is condemned by the people not only in the extremist camp, but also in this Council, who are really co-operators with Government.

I think an inquiry is necessary for Government to make. It has been represented that there are certain people who, having ideas of

anarchy and a desire for creating chaos, are trying to develop terror in the land. If it is so proper notice ought to be taken and measures taken to suppress it, but if the other side of the allegation is true that the people on the whole are peaceful and law-abiding, and the police were causing terrorism and oppression upon the poor and innocent people, they should also be properly dealt with so that the name of British justice may not be impaired.

Government has got a very splendid opportunity here to accept our suggestion and to form a committee which can command the confidence of the people at large and to have the matter thoroughly inquired into. If on inquiry it is found that the persons engaged in maintaining law and order did not do anything beyond their duty, well and good; but if it is found out that it is not so, then the public will be justified in their demand for taking necessary action.

With these few words, I commend my resolution to the acceptance of the House.

Kumar SHIB SHEKHARESWAR RAY: I move, by way of amendment, that in motion No. 41, after the word "police" the words, "Civil Guards" be inserted.

The Government has got to carry on its repressive policy by people who, in their zeal or momentary excitement, always fail to remember the fine line that decides the just from the unjust. These instruments of repression forget their limit, and do not hesitate to carry their horrors and destructions to extremes. The policy of the Government might be defensible. High officials might with pious expressions on their lips declare their great unwillingness to carry on this drastic policy. They may even say that they themselves are the victims of the stern law of necessity, being compelled by force of circumstances and the perversity of the people to adopt, most lothly, stern measures for safeguarding life and property, for preserving law and order. But do they forget at the same time the inefficiency of their instruments? Do they forget the over-zealous nature of their servants, careless of the sufferings of the people? Have they forgotten the old saying, that if you ask a chaukidar to fetch a man, he will fetch him gagged, bound, handcuffed and fettered? The Government is pledged to preserve life and property and this it should do as much against official as against non-official destroyers of them. The non-co-operators do not complain. It might be their principle to show by their submission to sufferings and atrocities to what lengths the servants of the Government would go to convince the people of what they term its satanic nature. And so much the greater reason that the Government should try to prove itself to be always above board, and having sufficient moral courage to probe the matter to its very origin and check the lawlessness of its own officers as of others. It is unthinkable that a Government calling itself civilised, should so far forget itself, forget the principles of justice as to connive at the bad manners and cruelties of its own servants.

The Government, in its benignity, is pleased only to see and hear what its own servants are pleased to make it do so. If there be a report in the papers, that such and such an officer had done such and such thing, it calls upon the same officer to submit a statement and it incorporates that very statement in a bulletin which is issued with that very high sounding name "a Government communiqué." Can anybody have any faith in the fair-mindedness of the Government when such indiscreet blunders are perpetrated? Can anybody come forward and complain to any Government officer, when he knows that such complaints will be twisted and will thereby help the accused officer to make an accused of the complainant? Complaints or no complaints, there can be no denying that mean and needless brutalities were committed by the military, Police and Civil Guards in the name of clearing roads and dispersing mobs. I am myself a witness to several such occurrences. I am positive that the victims did not care or dare to carry the matters to courts.

It is useless for me to recount the great deeds of valour of the police. The one impression that they have created in my mind is that the Government is out for intimidating out the intimidations and lawlessness on the part of the people by a little more intimidation and lawlessness on the part of its own officers. Sir, I despise as much the lawlessness of the people as I do that of the police. I deplore as much the shooting down of an innocent cooly as I do the battering to death of a helpless *paravalla*. But, Sir, much of the lawlessness attributed to the people is due to the strange orders of the Government and the Council has recommended their withdrawal. But if our recommendations are to be consigned to the waste paper basket let the Government at least enforce its orders in a lawful manner. Instead of creating scenes in the streets and parks, the Government can, if it be so minded, get hold of the volunteer registers and files of pledges from different congress committees and peacefully summon the volunteers to stand their trial in courts of law. There is no secrecy in these volunteer organisation, they work openly, then why not tackle the matter fairly and squarely? This will at least save us the pain and humiliation of being unwilling witnesses to the barbarous brutalities of the police in the streets of Calcutta?

And, Sir, when a man is done to death, be he a policeman or a passer-by, let there be a swift inquiry and let the guilty be punished. If there be a mischief perpetrated by any, be he a Congress President or a Commissioner of Police, let there be no preferential treatment. Even if the Government be bent upon pursuing a mistaken policy, let it not be said that the Government is partial or that the Government is vindictive.

An inquiry was badly needed into all these aberrations of both the people and the police. And a timely request to that effect was made to the Government by some leading members of the public. Our resolutions too are before the Government for a long time. But I deeply

deplore that the Government has thought it fit not to pay any heed to them. It is perhaps too late now to institute an inquiry into the past events, and I do not care what happens to my amendment. But I do hope that in future the Government would be more considerate to popular feelings.

Rai MAHENDRA CHANDRA MITRA Bahadur: I wish to intervene in the debate at this stage. We must not lose sight of the issues which have been raised by the speakers. All of them demand an inquiry to be made by official and non-official members. Do the facts presented by them justify such an inquiry? That is the question. Do the facts presented by the mover show that there is a *prima facie* case for a public inquiry? My submission to the Council is that such an inquiry is needed for various reasons. The principal reason is that when the inquiry was made, as is indicated in the speeches, that inquiry was a partial one; that inquiry was taken up by those who are interested in the matter and it would have been just and proper that there should be a complete public inquiry, so that the result of it, would have satisfied the people. There is a depth of feeling against the inquiry already made, and therefore, in my humble opinion, it is necessary that such a humble inquiry, as suggested, should be made. Now, supposing Government did make an inquiry on the subject, supposing an inquiry was made by the police officers, supposing witnesses were called in, but even then the other view of the question has not been taken up as an item of consideration, and that is pressed upon the attention of the Council and that is the reason why a fresh inquiry is to be made. I know we are in critical times. I know what is going on in this country and what movements are going on. The condition of things is very deplorable and I am not in a position to pass any criticism on the action of the police or of anybody concerned, because if we pass any opinion on the subject now it would be prejudging the whole matter. We are told that a policeman has died. We are told that the police are sufferers. All right, let the actions taken by the police and by the people be judged. Let that action be the subject-matter of an inquiry, and the judges, who will sit in judgment, will be in a better position than those who are outside the tribunal. In my humble opinion, therefore, for the fair name of justice, for the fair name of Government, for the fair name of the people, it is highly necessary that an inquiry should be made. If Government refuse or decline to make such an inquiry, what would be the feeling of the people? Government ought to understand their own position. The Government officials should come forward and say, "Let an inquiry be made because you wish that an inquiry as suggested by you is to be made, because the facts presented by the people through the members of this Council justify that such an action should be taken." I do not wish to say anything more, but I do press upon the attention of Government officials that it would be just and proper that such an inquiry be made. If the action of the police was justified, all right; if the action

of the police was wrong, then Government will have to consider the matter once more. All these facts may be brought forward to the notice of people as the result of an inquiry. That is my submission and that is the reason why I support the resolution which has been discussed by several members of this Council.

Maulvi YAKUINUDDIN AHMED: I think, in this case, the Council will see its way to have a committee of inquiry into the matter. When happenings in Chandpur and other places took place at that time there were requisitions for inquiries and when such happenings as the happenings at Mechuaabazar on the 26th December took place in the very heart of this great city, I think the Council would see its way to have an inquiry—a thorough inquiry—into the matter. The Government *communiqué* which has been issued says that the complainants are not forthcoming to lay their grievances. I would submit that the particular creed which the people of Mechuaabazar and other places are pursuing is non-co-operation whether rightly or wrongly and, therefore, they do not come to the Courts. That, however, is no reason for not having an inquiry into the matter to find out which party is to blame for high-handedness. It may be that soon after the *hartal* of the 24th December, when His Royal Highness the Prince of Wales visited this city, the police were exasperated at the non-co-operators' activities; but that is no reason why there should be high-handed proceedings on the part of the police who are the guardians of law and order. Whether the non-co-operators took the law into their own hands, which compelled the police to act in the manner as they did, is a circumstance which ought to be thoroughly sifted and inquired into. I beg to submit that the allegation that some police sergeants showed disrespect to the holy Koran and tore off some of its pages calls for an inquiry into the matter and that I think is the opinion of every right-thinking man. I hope the Government would also welcome such an inquiry.

Mr. W. L. TRAVERS: I rise, in contradiction to the speeches which have been made to-day, to protest on principle against the object of these resolutions, that is to say the committee which it is proposed to set up to inquire into these occurrences. It is becoming a common practice in this Council that when any strong action is taken in the preservation of law and order by an officer of Government, resolutions are proposed in this Council for a committee of inquiry. When the Reforms were introduced, an appeal was made to the British in this country that they, brought up as they are in an atmosphere of democracy, should, as best they could, help the Reforms; that is to say, they should come into this Council and bring their experience into useful activity, looking to the future and towards the enlargement of democratic Government. But I must state, and strongly state, that I consider that action on the lines proposed to-day is not in accord with our ideals of democratic Government. It is the reverse. It seems to

me that it is the duty of Government and Government alone to make an inquiry into such occurrences as occurred at Mechuabazar. Government contains two Indian Members on the Executive Council and three Indian Ministers—men who are high in the esteem of their fellow countrymen. Had there been—which I do not believe in the least—any miscarriage of justice, surely none of these members of Government would continue in that Government. ("Hear, hear.") I consider that it is most unjust and most unfair that any officer, who is an employee of Government having done his duty in most difficult circumstances, should be pilloried by appearance before a tribunal—a special tribunal such as is contemplated by these resolutions. It is the business of Government to see that their officers do their duty. If such officers have to appear to give evidence before a tribunal, it would undermine the confidence of officers in the Government itself throughout the whole of the province. There are, I believe, a number of members of this House who hope in the future to become Ministers of Government ("Hear, hear"); and it is probable that their hopes will, in course of time, be fulfilled. I ask you, Sir, what will be the position of the Ministers in the future when they have a record behind them that whenever their officers commit what the popular rag puts up as a mistake, it is immediately proposed in this Council that a committee of inquiry be made. Can they expect in the future, loyal, devoted and courageous service from their subordinates in the administration? I doubt it. I put it, Sir, to the members of this House that an inquiry, such as is proposed, can only result in a general deterioration in the standard of efficiency of the administration of the province. ("Hear, hear.") It is most unjust and most unfair that an officer, who in carrying out a difficult duty imposed on him, does some action which happens to be unpopular and should be required to justify himself before such a committee as is contemplated by these resolutions.

SHAH SYED EMDADUL HAQ addressed the Council in Bengali, supporting the resolutions. The English translation of his speech is as follows:—

There is a saying in Persian which is this: *Ta na gardad chiza, marum na gorad chizaha*, meaning "People do not say that a thing has happened until it actually happens." It will be superfluous to say anything on this resolution as the movers and the several other speakers have already spoken so elaborately on the question at issue. I must plainly admit my gratitude to the Hindu movers who are fighting so hard for the Muhammadans and the Muhammadan religion. I am a Muhammadan and regard my religion more than my life and property. It is therefore my bounden duty to give vent to my pent up feelings in the matter of the desecrating of the mosque and the holy Koran. I sent in notice of an amendment but through my misfortune the same has been disallowed. Mosques, although erected by human hands, are held in reverence as the houses where God lives and the holy Koran is regarded

as sayings of the Almighty. No true Mussalman can bear patiently any insult offered to either of them. I was present in Calcutta on the day of occurrence. Next day, early in the morning, the sad happenings poured into my ears. I inquired and came to know from indisputably reliable source that the sergeants and Civil Guards entered the mosque with their boots on and defiled the sanctity of the place, insulted the "Imam" (priest) and threw away copies of the holy Koran. The assailants were requested by the priest in piteous terms not to molest any further on which the sergeants and the guards became only furious, called him names and threatened with committing nuisance in the very mosque. These acts of atrocity have spread all around and have roused a feeling of horror and indignation through the Moslem world. Even kings have no authority to desecrate a mosque and the holy Koran. The party of non-co-operators taking advantage of events of the nature are taking a firm hold on the minds of the people. I am no non-co-operator but an ardent co-operator for the advancement of my country and her people. I must speak out the truth though I know perfectly well that nothing is more bitter than truth as the Arabic proverb has it: *Al Hakku mor-run olou kana durrun*. It is only deserving that wrong-doers must be brought to book and it is for that purpose a committee is sought for. If Government are opposed to the constitution of the committee of inquiry the people have only one and irresistible conclusion to make that the authorities are shielding the wrong-doers knowing full well that the committee, if formed, will give to the world the many unpleasant things which at all costs must be suppressed. The Persian poet has sung that the keeper is responsible for the bitings of his dog—*Kah-dakkan nudan sug porcid*. If the matter is not properly inquired into and proper action is not taken, the presumption will be that Government do not hesitate or are prepared to wound the religious feelings of the people. A change was in sight, many non-co-operators were at present changing their creed and vacillating to the side of the co-operators. But at that psychological moment the people stand thunder-struck at the news of these atrocious deeds deliberately perpetrated. Want of action on the part of Government will kindle fire into the hearts of men, and it may not be surprising if this fire spreads through such inaction and assumes the form of a huge conflagration which may disturb Government in the peaceful administration of the people. With these words, I heartily support all the resolutions.

Maulvi EKRAMUL HUQ: When I came to the Council, I had no desire to take any part in the debate for I did not at all know the place of occurrence nor had I any opportunity to know what actually took place. But what has fallen from my friend Rai Radha Charan Pal Bahadur has made a deep impression on my mind, and I must admit it has pained me to the greatest degree. Not only were there inroads on the rights, liberties and freedom of the people, but unfortunately for us and unfortunately for the Government, the religious susceptibilities

of the Muhammadans were brushed aside, and it is alleged by the Rai Bahadur that the sergeants and others went so far as not only to desecrate the mosque but to do something else which I shudder to repeat. These are matters which are undoubtedly very grave, and even if half of what has been alleged here be true, then I must frankly say that Government stands charged with a grave dereliction of duty. I hope that all that has been said here is not true, but all the same, when this matter has been brought to the notice of the whole House and when it is being pressed that a committee be formed to inquire into the matter, I think that Government should on no account stand against such a proposal. It has been said by one of my colleagues, Mr. Travers, that by this means we shall be standing in the way of Government officials discharging their duties. I think it is the duty of every one of us to see that the Government officials are allowed a free hand in doing their duty, but at the same time it must be impressed upon every Government official that he should on no account go out of his way and do things which are not at all legal; and further, things which bring into contempt the very administration which they are bound to hold. I am afraid Mr. Travers seems to have overlooked the fact that the allegation about the desecration of the mosque and things of a like nature was of a very serious character, and he as a Christian and as a religious man should, instead of opposing the resolution, have taken this matter into consideration and pressed for a committee so that the truth might come out, and if the officers concerned were not guilty of all that has been alleged against them, certainly it will be in their interest also that this committee be formed. I remember in our younger days when we used to go to our Maulvis to read our holy books, they used to show the greatest respect to our holy books, and that is the sort of training which every true Moslem gets from his very boyhood, and, as such, the Muhammadans in general and I think also other persons, who have got a religious bent of mind, cannot but be offended by any sacrilegious acts done by anybody, no matter whoever he might be. So I say that if the facts alleged by the Rai Bahadur be true, there is absolutely no reason why this Government should not bring down from their pedestal of glory on which some of the officers might be and mete out to them proper punishment for their action; and if they are not at all to blame in this matter, and if there is nothing against them, the position of Government will be clear. Under the circumstances, I hope that Government will agree to a proposal like this and see that a committee is formed to inquire into this matter.

Maulvi SHAH ABDUR RAUF: I rise to support the resolutions relating to the incidents at Mechuahazar on the 26th December last. I was not present there at the time of occurrence, but fortunately, I had the opportunity of talking with persons who were on the scene just on the morning of the incident, and so I came to know something of what happened in the early hours of the 26th December last. The small

hours of the 26th December will, I am sure, be remembered by the men of Mechuabazar for a long time. I am sure they felt that for some time at least law and order was absent in the locality. Shops were looted, there were general assaults, and from what I could gather from the people, who went there immediately after the scene, I can safely say that four occurrences took place, namely, the death of a constable which is admitted on all hands, the fire in the tiled house—that is also admitted both by the people and Government, general assault of the people of the locality, which I do not know if Government admits or not, and last, though not the least, is the raid on the Mechuabazar mosque. A constable died, but as yet it has not been disclosed to us who is responsible for his death: as yet we do not know who is responsible for the fire in the tiled house, and we also do not know who is primarily responsible for raiding the mosque and generally assaulting the people. I feel greatly as a Muhammadan when I hear that the Mechuabazar mosque has been raided—not only raided in the ordinary sense of the term, but it is alleged sergeants entered there with boots on, entered the prayer hall, and furthermore my heart thrills to say that they tore to pieces the holy Koran. Whenever a Moslem hears of these things, whether in Council or outside it, be he a non-co-operator or a co-operator, Indian or Turk or Italian, should he profess the Muhammadan religion, he can have no sympathy with the people who have torn to pieces the holy Koran and done other things, or with those who try to shield them. These are not idle talks: there was a non-official committee of inquiry. I have just gone through their report and in clear and unmistakable terms the committee says that they examined persons connected with the mosque—persons whom we are very loth to disbelieve: and they gave evidence in the clearest terms that sergeants entered the mosque with their boots on. I wish all these were not true, I doubly wish that things like this never happened, but if things like this have happened, the offenders ought to be punished. Let us be satisfied whether actually things like this happened or not. Let there be a committee of inquiry. We are not asking anything more. We are not asking Government to behead the persons responsible for the offences, to dismiss the people who were responsible for the atrocities; we are not asking anything like that; we are simply asking Government to inquire and tell us the plain truth and nothing but the plain truth. I fail to understand why there should be any opposition from the Government side. Mr. Travers opposes the formation of a committee of inquiry on several grounds. First of all, he says that it is common in Council always and often to ask for committees of inquiry whenever anything is done in the name of law and order. I fail to understand how this is a sound argument: it simply means that this Council is worthless that it is always opposed to Government. He says that it does not become a democratic Government to always oppose its officers, but can we with conscience say that ours is a full democratic Government? He says that it is the duty of Government to inquire into the matter. I

also say this, and we are simply asking the Government to exercise that duty. He says that a committee of inquiry will be a special tribunal. That is not so. It is simply to inquire into the truth; it is not to punish the officers concerned but to find out the truth; punishment rests entirely in the hands of Government. The committee is to take evidence, sift the evidence and then find out the truth. He says that it will affect the general efficiency of the service. I fail to understand why this should be so. It seems Mr. Travers is quite afraid that the committee is sure to blame Government for all these things. I am not of that opinion. The committee should be formed to inquire and inquire impartially into the truth of the occurrences, and if anybody is found liable for them it is for Government to take action against them.

With these few words, I ask my brother councillors to support this resolution and ask Government to accept this.

Babu ANNADA CHARAN DUTTA: I heartily support the resolution for an inquiry. When one hears of these incidents he is bound to cry out, "they come, and still they come." We have had experience of this sort of incidents, and there is always a deliberate attempt to suppress a fair and public inquiry. So it is not only for the sake of the public, for the protection of life and liberty of the subjects, but for the sake of the good name of the Government itself that some public inquiry should be held into the incidents of this nature. It cannot be doubted that there is a great discontent over this, and if you stifle an inquiry like this which is the only outlet to the country for the purpose of satisfying the people as to what actually took place, you will compel things to go below the surface, and certainly it will not be good for any Government.

With these words, I heartily support the resolution.

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Henry Wheeler): The Council has before it four resolutions, the widest in its scope being that of Babu Kishori Mohan Chaudhuri, which would have an inquiry into the alleged cases of assault and other acts of high-handedness committed on prisoners and other citizens by the police and the military in Calcutta since the 17th November, 1921, presumably up to date. That is further extended by Kumar Shib Shekharewar Ray to include the misdeeds of the Civil Guard, and the Council will doubtless appreciate the breadth of the inquiry which they are contemplating. The next one is that of Babu Surendra Nath Mallik, who would have a similar inquiry into the incidents on three dates which he has given, while the two others are more restricted in scope and have reference to the Mechuabazar incident only.

Now, I was interested to hear from the lips of one speaker, who took pleasure in the fact, that these resolutions were but the logical and legitimate sequel to the decision of the Council a few days ago. It is perfectly true that a few days ago this Council did, by a small majority, request the Government to desist from any special action to curtail the

activities of the volunteers who are admittedly the backbone of the civil disobedience movement, which is admittedly now recognised in practically all responsible quarters to be productive of nothing but disorder and anarchy, and we now have the sequel which asks us not only to desist from action, but to place upon their trial those officers who are not responsible for the policy of Government, but who were entrusted with the arduous and unpleasant task of enforcing it—officers who loyally and admirably during recent days have preserved this city from the scenes which have disgraced Bombay and Madras, and have maintained a degree of order which, in all the circumstances of the case, is to my mind, remarkable. I put it to the Council that even refraining from arguing the case on any unpopular lines, such as administrative efficiency or fairness, is it wise, at a time when the atmosphere is admittedly electric, at a time when we may be on the eve of further disorder and trouble, to place upon their trial the one body of men who stand between this Council and disorder—a body of men sorely tried by the attacks upon them and upon whose discipline attacks are being made every day? Is it wise, to put it at its lowest, to put these men upon their trial when I am prepared to show that they have been honestly and faithfully trying to fulfil the duties entrusted to them by the executive Government? Leaving the aspect of the police alone, is it again wise for this Council, which is fast putting up a record with reference to the preservation of law and order which is beginning to attract attention elsewhere, to add one other striking example to that list?

Now, His Excellency and I have spoken so recently on the state of affairs in Calcutta that it is needless to repeat in detail. The facts are well known to us all. We know the policy which has been adopted, and which we have heard from the mouth of Mr. Gandhi, of deliberately goading Government, if need be, to compel shooting; of provoking and assaulting the police; of disobeying orders and of courting arrest. And when we hear from Kumar Shib Shekhawar Ray of "the scenes in the streets and parks that the police have created," one really wonders to what extent distortion of the facts is to be carried in this Council Chamber. The non-co-operators have openly gloried in the disturbances they have created, and it is only two days ago that one of the extremist papers in this town took great credit for the fact that they had restored law and order by refraining from the activities which had brought about lawlessness and disorder. It suggests rather the attitude of a burglar, who, refraining from going out one night on his work of depredation, takes credit to himself for the fact that the crime statistics will be less by one. However that is the attitude and to ignore it is impossible. That having been the state of affairs which has prevailed in the town, it necessitated intervention on the part of Government to maintain law and order, and a general justification of that policy has previously been offered by me and others. But that intervention has necessitated the application of a certain degree of force to meet force. Crowds have

had to be broken up when they obstructed traffic in the streets, meetings—illegal meetings—called in defiance of orders, have had to be dispersed. I do not deny that a certain amount of force has had to be used, but it had to be used directly in consequence of the actions of those who were seeking to break the law, and it is to my mind extraordinary that looking to the length of time disorder has been prevailing in this city, we should, thanks to the tact and moderation of the police, have passed through it with a minimum of personal injury inflicted upon the members of the public and with but one tragic incident of the dead body of a policeman found in Central Avenue.

Now as we are asked to inquire into complaints, it is well that I should summarise briefly the complaints that have been brought to the notice of Government. As is well known, the Commissioner of Police publicly offered to inquire into facts brought to his notice, and it is also well known that this has been the attitude of the executive Government also. We have had a widespread prevalence of lawlessness and atrocities pictured to us by various speakers. What are the actual complaints that have been brought to the notice of Government? We have had the assault on Professor Heramba Chandra Maitra. I have previously spoken of that incident, and although at the time it was reported to His Excellency as a case of brutal assault, and reported in the daily press as a merciless belabouring, upon inquiry it proved to be a mere push given under circumstances for which, as I have explained before, this gentleman was himself mainly to blame. We have next the case of one Jitendra Nath Ghosh. There was a crowd outside the thana, and apparently he was hustled in the dispersal of it. Next day he could not show any marks, although he said he had marks the day before, and still was in pain. But I put it to the Council that this was a most trivial incident.

Then we have the case of one K. C. Das. He filed an affidavit that he had been wrongfully arrested merely because he put on *khaddar* and a Gandhi cap.

Rai RADHA CHARAN PAL Bahadur: Is the Hon'ble Member referring to any incident connected with the Mechuabazar happenings?

The Hon'ble Sir HENRY WHEELER: No; I refer to the case of K. C. Das. He admitted that he had put on *khaddar* and gone out to see whether he would be arrested. He joined some volunteers who were molesting a shopkeeper, and some soldiers arrested him along with the others. When he was taken before the police he said that he was not a volunteer. The police officer in charge let him go after telling him that he was a foolish young man to do this sort of thing, and that he was sorry for the inconvenience he had been put to but which he had largely brought upon himself.

The next complaint was the alleged assault on Chira Ranjan Das, to which also I have previously alluded in this Council.

Babu SURENDRA NATH MALLIK: May I rise to a point of order? Is the Hon'ble Member entitled to refer to the case of Chira Ranjan Das which is not the subject matter before the Council?

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): Yes, because it is included in the general charge of assault against the police.

The Hon'ble Sir HENRY WHEELER: Chira Ranjan Das, although he had ample opportunities of bringing his case to the notice of responsible officers at the time, did not do so, but eventually came out with a statement which, in the face of the medical evidence, cannot be anything but an exaggeration.

Another case of complaint is alleged assault by Mr. Kidd, into which inquiry is being made in an appropriate and proper way by a prosecution which has been instituted against two newspapers for libel, in the course of which the facts will be elicited.

These, apart from the Mechubazar affair with which I will deal later, are the incidents that have been brought to the notice of Government; and I put it to the Council that they do not justify the impression that is sought to be created.

I now turn to the incidents that have been brought to the notice of the Commissioner of Police, and I will read Mr. Clarke's report:—

The only specific complaints of assault against the police or military were the following:—

(a) On the 21st November 1921, an Oriya cooly called Kristopati complained at Jorasanko Police-station that while standing in a crowd on Harrison Road he was assaulted by a *sahib*. He could not say who or what the *sahib* was. There were slight injuries on him so his complaint was recorded and he was sent to Hospital where he was dressed and discharged.

(b) On the 9th December 1921, Professor Heramba Chandra Maitra complained to Mr. Wilson at Lal Bazar that he was assaulted by troops, the details of the case are known to Government. The Professor told Mr. Wilson that he did not want to press the matter or demand an inquiry.

(c) On the 12th December, 1921, the Fourth Presidency Magistrate drew the attention of the Commissioner of Police to the case of an accused who appeared before him with his head bandaged, and complained of assault by a sergeant at Grant Street out-post. Sergeant Hunt, the officer in question, explained that after some arrests in the New Market, a crowd attacked the Grant Street out-post in order to rescue the prisoners, and the accused, who was one of the crowd, was arrested, and in pushing him through the door of the out-post he tripped over the lintel, fell and knocked his head against a bench.

(d) On the 16th December, 1921, Babu Krishna Kumar Mitra complained that a Bengali student had been assaulted by a sergeant for no reason in Amherst Street. On inquiry by the Deputy Commissioner, it appeared that two days before an attack had been made on Muchipara thana and two sergeants were then deputed to keep the crossing clear. The student in question refused to move when ordered to do so, and was pushed off. When seen 24 hours after the occurrence he had no marks of injury.

(e) On the 24th December, 1921, a man named Haladhar Sikdar of 28, Utdanga Road, was injured by the police in Cornwallis Street. At the time sergeants

Henry and Doran were assisting the Corporation offices to light gas lamps, when they were attacked by a mob, who took away the ladder, pelted them with stones and put out the lamps already lit. The sergeants then had to disperse the crowd and Haladhar Sikdar got a blow on the head and fell down. He was removed to hospital and has since been discharged.

In a few other cases of trial of prisoners by the 5th Presidency Magistrate, complaints were made of assault by sergeants on escort, but no orders were received from trying Magistrates on these allegations.

The only person reported to have received serious injuries was Haladhar Sikdar whose case has been noted on above.

- Generally speaking, it was an every-day occurrence throughout the northern part of the town from the 4th of December onwards, that crowds of volunteers collected, shouting *Gandhi Maharaj ki jai*, threatening shop-keepers, and obstructing traffic. In some cases, particularly on the occasion of the arrest of Mr. C. R. Das's son, of Mrs. Das, and when Professor Maitra complained of being assaulted, crowds assumed a most threatening attitude, and had to be dispersed by force, but in no case (except that of Haladhar Sikdar) was such force used as resulted in any serious injury.

That, Sir, is Mr. Clarke's account and I again put it to the Council whether it bears out the allegations which have been made.

Then I come to the Mechuabazar incident. We have been told that we have published a belated *communiqué*, although in the *communiqué* itself we explained the circumstances under which it was issued at that time. The affair was the subject of a resolution which might have been reached at an earlier meeting of the Council, and we expected to make a statement on the subject then. But that opportunity did not arise, and so, rather than wait till to-day, we published a *communiqué* quite recently. In that *communiqué* we have given the facts. But as reference has been made to information which was given to me personally, I would like to draw the attention of the Council to certain circumstances connected therewith. It is perfectly true that Rai Radha Charan Pal Bahadur came to me on the evening of Monday, the 26th December, with certain gentlemen, and complained of what has been referred to more than once this afternoon as a police raid. He requested me to give a promise for a full public inquiry, and I may mention, as an example of the danger of trusting to these methods of bringing facts to our notice, that when I asked the Rai Bahadur "why should the police have acted in such an unreasonable way and assaulted people without any cause whatever" the answer I got was "that is what they say"; no reason was forthcoming. But although the Rai Bahadur now says that the facts were known all over the town, and although he now admits that that morning he was in the north of the town himself, yet he never mentioned to me the origin of the whole trouble, namely, the murder of a constable on the night of the 25th. He and other speakers now claim that there was no option but for a non-official inquiry to be held. Was there no option? I refused to promise offhand a public inquiry, but I asked Mr. Clarke to ascertain the facts and the first thing that he did was to send a Deputy Commissioner to the Rai Bahadur's house—

Rai RADHA CHARAN PAL Bahadur: Did the police come to me?

The Hon'ble Sir HENRY WHEELER: I am told that the Deputy Commissioner came to him and asked him if he could produce the men whose shops were looted. No complainants were forthcoming, and in the circumstances we ordered a departmental inquiry to be made and the facts are contained in the *communiqué* which has been published. Put briefly, after the finding of the dead body of the constable in the early hours of the morning, the police thought that the people of the locality which was close to a haunt of well-known bad characters, must have been cognisant of, if not connected with, the murder, and they called on the inmates of a tea-shop, in which there were lights burning, and three adjoining shops to come out. The people did not do so and as there were signs of their escaping from the back, the police, in their search for the guilty person, broke open the tea-shop and three adjoining shops and took certain people whom they found in them to the thana for inquiry. As regards the mosque which is said to have been entered, I may point out that it is at some distance from the scene of operations, and there was no reason for the police to have entered it. The police throughout were in charge of responsible officers, including two Deputy Commissioners, one Assistant Commissioner, one inspector and two sub-inspectors. After having arrested these people the police went away leaving three constables in charge. Shortly after that a fire occurred in the vicinity and the police had to go to that spot to protect the fire engine, which was being stoned; that was a separate matter, but it indicates the state of feeling that was prevailing. After the main incident of the murder, word was evidently sent to the bad characters in other parts of the town, and they came down to the number of nearly 3,000 and drove away the three constables, and for 45 minutes there was neither law nor order in the locality. We have the statements of our own officers and of other people who, owing to terrorism, will not come forward to give their evidence in public, that for that time the locality was completely in the hands of the mob and that looting by *goondas* did then take place. These are the facts of the case so far as we can ascertain, but this incident of the mob taking possession of the locality for 45 minutes has not been alluded to by a single speaker this afternoon. On the other hand an attempt has been made to rouse religious animosities by speaking of the desecration of holy places and damage to sacred books. One of the speakers has acknowledged that he did not know anything about this case before this afternoon, but he is influenced by this uncorroborated statement to press for an inquiry. A deliberate attempt has thus been made by certain non-Muhammadian members to bring in their Muhammadian fellow-members on their side by this appeal to religious sentiment.

Mr. HUSEYN SHAHEED SUHRAWARDY: Sir, what does Sir Henry Wheeler mean by "uncorroborated statement"?

THE DEPUTY-PRESIDENT: Please do not interrupt.

The Hon'ble Sir HENRY WHEELER: I have now dealt with various specific incidents and will explain in general terms what the policy of Government in this matter is. If acts of repression or wrong-doing are alleged by any private citizen, the obvious course for him is to lay an information before the proper magisterial authorities. The courts are open, and there are deputies, and if an information is lodged by any private person the usual machinery of the law will be put into force. That is the proper course, I submit, for any member of the public who complains of wrong-doing to take. Why is it that no complaint of that kind was lodged even though a direct invitation was made to people to come forward? It cannot have been for lack of witnesses; we are told that there are shoals of witnesses and some of the members know their names. But for reasons best known to those concerned, it seems evidence will not be put forward in the way the law provides for, but it is to be adduced after an atmosphere has been created by means of insinuations and appeals to religious prejudice. But, apart from that, if anybody comes forward and makes an allegation we have said we are willing to make an inquiry, either magisterial or departmental, according to the circumstances of the case. The inquiry into the Mechabazar incident was departmental; into the Entally and Howrah incidents it was magisterial. But does an inquiry of that kind satisfy our critics? When we had the magisterial inquiry at Howrah the non-co-operation party abstained from giving evidence; at the Entally inquiry the People's Protection Society, of which we have heard so much this afternoon, stated that they would not give evidence, and even in the case of a conviction by a court—as we had an instance a few days ago—even the fact that statements have been proved in court to be false and even criminal does not carry conviction to members who repeat them here. Well, Sir, that is the policy of Government in regard to these complaints. If there are complaints to be made, let them be lodged in the proper way. If they are not lodged in the proper way before a court, let some one come forward and make an authoritative statement before the Executive. We cannot lend ourselves to the tactics which are usually adopted in these matters. We have in the beginning a flood of anonymous and vague allegations in the papers, to which I previously alluded here in connection with Chandpur, and of which I can give another striking example in connection with this very Mechabazar affair. This is what appeared in the *Nagari* of the 26th December:—

Lawlessness has come into existence in Calcutta. From the reports being received it would seem that the success of the *hartal* has driven the authorities frantic. Reports have also been received of the police having set fire to a hut near Chingur Road and Mechabazar Road crossing last night. Those coming out of the hut were assaulted and shot. Even this morning, assaults and blank firing are continuing. It is said that three corpses were sent away in a fire-brigade motor.

The police are stated to have looted the shops and some shop-keepers are under arrest. There are marks of blood on Central Avenue at the Mechabazar crossing. It is said that last night the mosque at Mechabazar was broken open and an entry

effected. The police are said to have entered premises No. 129-7, Harrison Road, and looted Rs. 700 worth of goods. Buttons, badges, etc., belonging to the police were left behind. Two men were so severely assaulted that they have been taken to the Marwari Visudhanand Hospital. It is also stated that Raja Bazar was looted early this morning.

That is a good example of these tactics which are persistently followed. This is the first stage—to get irresponsible newspapers to make virulent statements. That is followed by an informal inquiry, and when the ground is well prepared, the question is brought up in this Legislative Council with a demand for a non-official inquiry. Now to these tactics we cannot lend ourselves and to these requests we cannot accede. I put it to the Council that in these matters, as has been pointed out by Mr. Travers, members are apt to misunderstand their functions. This Council has been given an important position in the administration of the province; it has almost a paramount voice in matters of finance and legislation, and on general matters it can, through the medium of resolutions, advise Government. But I know of no Legislative Assembly in the world which seeks to constitute itself into a kind of super-tribunal for the trial of Government servants—Government servants who are merely trying to discharge their duties. These trials are to be held after an atmosphere of suspicion has been created, and without any of the safeguards which are provided for by the proper judicial machinery which the law contemplates. That was never a function which the Council was intended to perform, and it is a function which is entirely unfitted to perform. In this particular matter all these tactics have been used to discredit the police, in respect of whom I submit that special obligations lie on the Executive Government which we are bound to recognise. Our police are entitled to protection in the performance of the difficult work which devolves upon them, and that protection is not afforded if they are exposed to the line of attack which has been advocated this afternoon. Again, there is the matter of the discipline of the police. Obviously, in the police, which in some respect resembles the army, a high standard of discipline must be maintained. But it is impossible to do so if we are to adopt the line of judging the acts of the police by a non-official inquiry of the kind now suggested. No army in the world would tolerate such a thing, and in no country of the world would such a suggestion be adopted. For all these reasons, Sir, I put it to the Council that this theory of police lawlessness in Calcutta from the 17th of November onwards, has in no way been substantiated. There has been regrettable lawlessness since that date, but the police have been the restraining influence and they have exercised their influence in a manner which, taken as a whole, is more worthy of our praise than our condemnation. For these reasons, Sir, I am not prepared to accept this recommendation which has been put before us.

Babu SURENDRA NATH MALLIK: From what has fallen from the Hon'ble Sir Henry Wheeler I gather that as only a few isolated

complaints had reached him that is proof conclusive to his mind there was no cause of grievance at all. He has moreover complained of the tactics of the non-officials in bringing these resolutions here. I complain on the other hand of the tactics of Government as recently and repeatedly exhibited in the *communiqués* which have been published. Does the the Hon'ble Member for Government know that these *communiqués* do not satisfy or deceive anybody? The days of red-hot eyes and *chuprao* reports are over and we now stand upon our rights and we want to have the police under proper control. We do not care to listen to such meaningless arguments that no Legislative Council in the world would be permitted to take up this attitude of a *super-tribunal*. But, Sir, the Hon'ble Member conveniently forgets to remember that nowhere in the world there is such a Legislative Council as ours. Sir, this dyarchical system has proved to be hopeless and this Legislative Council is absolutely helpless, and the Government are taking advantage of that helplessness.

Nothing in extenuation has been said by Sir Henry Wheeler as regards the Entally affair. Much has been said of the shooting of the constable at Mechuabazar. That incident which still remains shrouded in mystery is unquestionably a deplorable one. But what about the Indian who was shot dead at Entally and about whom the Hon'ble Member has not spoken a word. A man was killed there by the Civil Guard in broad daylight. What about that? What about the serious assault committed on passers-by for over a length of a mile by the Civil Guard and sergeants and a number of loots committed by them on the way at Entally? Has Sir Henry Wheeler said anything about it?

CHIEF SECRETARY to GOVERNMENT (Mr. H. L. Stephenson): May I rise to a point of order? The Entally affair is *sub judice*.

The DEPUTY-PRESIDENT: You should not refer to the matter which is *sub judice*.

Babu SURENDRA NATH MALLIK: Was it not *sub judice* when Sir Henry Wheeler alluded to it? It is *sub judice* to me and not to him! I did not refer to it by a single word in my opening speech.

The Hon'ble Sir HENRY WHEELER: May I offer a word of explanation? I think the Council will bear me out when I say that I have never referred to any of the details of that incident.

Babu SURENDRA NATH MALLIK: Nor would I refer to any of the details. I simply mention the fact that a man was killed and nothing was done in the matter and that we want an inquiry.

As regards the Mechuabazar incident, the Hon'ble Member has said that opportunity was taken to rouse the religious animosity of a certain section of the people. Speaking for myself, I may say that in my reference to the Mechuabazar incident, I did not for one moment try to rouse religious animosity. I did not say one word about it and I would

leave it to those who have seen and suffered from the incident to speak for themselves. Where then are the tactics? It is the Government who employ tactics in your *communiqués*. You publish in your *communiqués* informations which only reach the Hon'ble Member from the *parawallas*, then through the Inspector, the Assistant Commissioner, the Deputy Commissioner and the Commissioner of Police. The reports of those very policemen whose conduct is in question are flourished before us with a little retouching by a skillful hand and this is the thing to which an imposing continental name of *communiqué* has been given and we are here called upon to accept that as gospel. We, however, refuse to do that. I have gathered what took place there. I have seen injuries on men and women by the dozens. I have seen doors battered and the boxes forced open. I have heard from people whom I have questioned that when they went to the local police to lodge information they were told—*Gandhi ka pas jao* (go to Gandhi). This was the reply they received and in the face of these facts, can the Hon'ble Member stand up and say that there was no complaint and that the people did not come to lodge complaints? If a committee of inquiry is formed, all this evidence would be placed before it and before the public in a formal way, where then is the harm of constituting a committee? Why are the Government afraid of a committee if everything is all right? Why do they not accede to our request? They know very well that their *communiqués* are not accepted by the people. If it were not so, where was the necessity of instituting libel cases against newspapers in the Police Courts at so much expense over the affair of a serious assault on a lady by a Deputy Commissioner at Bhawanipur quite recently? They had already published a *communiqué* as regards the affair. Then why this nervousness? Why again have these cases been instituted? Why is all this money being wasted? It is only because they know full well that the people do not believe their *communiqués* and therefore they felt that it was necessary for them to get some sort of magisterial gloss and support to it. We understand all this. We are not children here. We may be a subject-race, but we are not fools. We can very well understand that these cases have been brought only to gag our mouths by making the matter somehow *sub judice*. What is the good of saying all that? Why not honestly say that we are a mighty Government and we do not care to accept your suggestions. By all means we will then keep *chup* over it. We have been told that first of all we make vague insinuations in the Press which we then follow up by questions and then by resolutions in the Council. That is our tactics. I emphatically deny this. If however, these are tactics then publishing in Government *communiqués* statements of policemen which are absolutely false and then prosecute people at public expense through alleged offenders—is not that tactics as well and that of a highly questionable character? Things which we know personally to be false—are we not entitled to say so? This is not the proper way of

meeting us when we ask for more light. What are we to do? We approached His Excellency—we asked him to help us in the situation, we prayed for his help in this matter, we prayed for a deputation to place definite facts before His Excellency, but we were told that nothing good would come out of it and that no useful purpose would be served by giving us a hearing. Are we going to be told that useful purpose can only be served by issuing *communiqués* to the effect that the police are so many angels! Would this story be believed in this country? You may publish your *communiqué* any number of them, but we do not believe them. What I said at the time of the adjournment of the House two months ago, I repeat now and that is that we should control the hooligans as well as the police and that therein the safety lies. Do not give us mere *communiqués*. They are believed by nobody. I do not like to say anything more, but I say this that beyond reading out police reports nothing has been shown by Sir Henry Wheeler as to why there is no necessity for making any inquiries into those incidents in which the Civil Guards and the police have run amok and beaten anybody and everybody and looted several places. There was a man shot dead at Entally and so far as we know it was all over the purchase of some oranges by the Civil Guard who took them away without payment.

The Hon'ble Sir HENRY WHEELER: May I rise to a point of order? This refers to the Entally case which is *sub judice*.

Babu SURENDRA NATH MALLIK: I am speaking about a thing which is not *sub judice*. That magistrate is sitting simply for ascertaining the cause of the death of one poor Indian, "name—unknown" and nothing else. I am not speaking about the cause of the death of this unfortunate man. I merely allude to the incident which occurred at Entally, namely, the death of an Indian, for the purpose of showing the necessity of an inquiry into the whole range of those incidents of which this was only a part and a small one. The Hon'ble Member has said that the duties of the Army and the Police are somewhat similar as they are both subject to a high standard of discipline. I believe that it is owing to this strong sense of discipline that they beat people indiscriminately, robbed the oranges of a poor man and looted others right and left at Entally and fired at men from the roof of a house.

The DEPUTY-PRESIDENT: You had better not allude to that incident.

Babu SURENDRA NATH MALLIK: As you please, Sir, I have done.

Rai RADHA CHARAN PAL Bahadur: May I, too, rise to a point of explanation? Sir Henry Wheeler said that the Deputy Commissioner of Police, Northern Division, asked me for information about the persons

whose shops were looted. I emphatically deny that the Deputy Commissioner asked me anything about it.

The Hon'ble Sir HENRY WHEELER: May I correct the member? I did not say that he asked him for information about the persons whose shops had been looted. My information is that he asked him to produce the complainants.

Rai RADHA CHARAN PAL Bahadur: I emphatically deny that. The Deputy Commissioner never came to me nor did he inquire anything of the kind. No official communication was made to me either.

Babu Surendra Nath Mallik's resolution was then put to the vote, the other resolutions on the subject having been withdrawn and a division was taken with the following result:—

AYES.

Afzal, Nawabzada K. M., Khan Bahadur.
 Ahmed, Khan Bahadur, Maulvi Emaduddin.
 Ahmed, Khan Bahadur, Maulvi Wasimuddin.
 Ahmed, Maulvi Azaharuddin.
 Ahmed, Maulvi Raah Uddin.
 Ahmed, Maulvi Yakubuddin.
 Ahmed, Munshi Jafar.
 Ali, Mr. Syed Nasim.
 Ali, Munshi Amir.
 Ali, Munshi Ayub.
 Arhamuddin, Maulvi Khandakar.
 Azam, Khan Bahadur Khwaja Mohamed.
 Banerjee, Rai Bahadur Abinas Chandra.
 Bhattacharji, Babu Hem Chandra.
 Bose, Mr. S. M.
 Chaudhuri, Babu Kishori Mohan.
 Chaudhuri, Rai Harendranath.
 Cohen, Mr. D. J.
 De, Babu Fanindraia.
 Dutta, Babu Annada Charan.
 Dutta, Babu Indu Bhushan.
 Haq, Shah Syed Emdadul.
 Hoss, Maulvi Ekramul.
 Hussain, Maulvi Muhammad Madassur.
 Karim, Maulvi Abdul.

Karim, Maulvi Fazlul.
 Khan, Maulvi Hamid-ud-din.
 Khan, Maulvi Md. Rasque Uddin.
 Makramali, Munshi.
 Mallik, Babu Surendra Nath.
 Mitra, Rai Bahadur Mahendra Chandra.
 Maitra, Dr. Jalindra Nath.
 Mukherji, Babu Satish Chandra.
 Mukherjee, Babu Nitya Dhen.
 Nakey, Mirza Muhammad Ali.
 Nasker, Babu Hem Chandra.
 Pal, Rai Bahadur Radha Charan.
 Raul, Maulvi Shah Abdur.
 Ray, Kumar Shib Shekharaswar.
 Ray, Rai Bahadur Upendra Lal.
 Ray Chaudhuri, Mr. Krishna Chandra.
 Roy, Babu Nailini Nath.
 Roy, Maharaja Bahadur Kahanish Chandra.
 Roy, Mr. Bijay Prasad Singh.
 Roy, Mr. Taril Bhushan.
 Roy, Rai Bahadur Lalit Mohan Singh.
 Roy, Raja Maniloli Singh.
 Sarkar, Babu Jogesh Chandra.
 Sinha, Babu Surendra Narayan.
 Suhrawardy, Mr. Huseyn Shahed.

NOES.

Banerjee, the Hon'ble Sir Surendra Nath.
 Barton, Mr. H.
 Bliss, Mr. S. E.
 Bompas, Mr. C. H.
 Chaudhuri, the Hon'ble the Nawab Saliyd
 Nawab Ali, Khan Bahadur.
 Delisle, Mr. J. A.
 Duval, Mr. H. P.
 French, Mr. F. G.
 Forrester, Mr. J. Campbell.
 Goode, Mr. S. W.
 Hindley, Lt.-Col. C. B. M.
 Hopkins, Mr. W. S.
 Montingford, Mr. G. T.
 James, Mr. R. M. L. Langford.
 Kerr, the Hon'ble Mr. J. M.
 Lane, Mr. J.

Larmour, Mr. F. A.
 Maharajahdiraja Bahadur of Burdwan,
 the Hon'ble.
 Mitter, the Hon'ble Mr. P. C.
 Morgan, Mr. D.
 Roe, Mr. W. R.
 Rahim, the Hon'ble Sir Abdur.
 Skinner, Mr. H. E.
 Spry, Mr. H. E.
 Stark, Mr. M. A.
 Stephenson, Mr. H. L.
 Swan, Mr. J. A. L.
 Travers, Mr. W. L.
 Walsh, Mr. C. F.
 Wheeler, the Hon'ble Sir Henry.
 Wordsworth, Mr. W. C.

Political exploitation of Indian labour.

Mr. KRISHNA CHANDRA RAY CHAUDHURI: I move that "this Council recommends to the Government that an inquiry be made into the causes and agencies leading to political exploitation of Indian labour within the last 12 months in Bengal."

The wording of the resolution may appear to many as rather vague. What I mean is the use of ignorant Indian labour as pawn in the revolutionary propaganda which has been at full swing throughout the country.

In the course of my investigations of a few labour disputes, I mean strikes and also in connection with my Trade Union Inquiry, I found out marks of political activities of a doubtful character which I consider inimical to the welfare of Indian labour. Let me give you just a few instances. There was a Trade Union Congress held in Jherriah before last Christmas with most praiseworthy objects, viz., to formulate labour grievances and specially to focus public attention to the wretched conditions of the Indian miners. They discussed all sorts of things from Jalianwallabagh to the imprisonment of Mohamed Ali, the Taff Vale Case and *scaraj* and all the rest of it and more than 20,000 coal miners were made to attend from day to day to hear things which had very remote connections with problems of their bread and they were made to lose 2 or 3 days' wages. Special cables running to 6,000 words were drafted giving a vivid description of the greatest labour demonstration India has ever seen and sent to the *Daily Herald* and other communist papers in Europe. There was a racial excitement resulting in *mar pit* and arrest of a few miners. The Bombay telegraph office fortunately refused to transmit the message as being objectionable. Had the message appeared in the *Herald*, European labour politicians and communists and syndicalists would have declared in no uncertain terms that united Indian labour demands that the British should quit India for good or that India is ripe for syndicalism. I call this, Sir, exploitation of labour of a very doubtful character. Take the strike of the dock labourers in January last over the unfortunate ill-treatment of a dock coolie who dared to put a Gandhi cap on. The strikers demanded the immediate release of Mr. C. R. Das, who was then an under-trial prisoner, which sounded very much like direct action. It was a strike which was distinctly political and non-economic and not for alleviation in the conditions of the employment of the dockers. Sir, we have a very bitter memory of a direct action of this kind over the Assam-Bengal Railway. It was a political strike and *scaraj* was dangled before the strikers. It was a sympathetic strike declared in sympathy with the refusal of the poor tea garden coolies to continue their work in sinful gardens—it was a direct action against the outrageous conduct of the murderous *Goorkhas* at the instigation of a satanic Government. I shall quote instances of what happened within a few miles of this city.

Jute mill coolies of Baranagore and Rishra were persuaded to parade the streets of Calcutta prior to the December *hartal* to court arrest and go to jail for the sake of motherland. They were sent for trial to Jorabagan Court and when asked by the Magistrate they did not know what was *hartal* or *swaraj*, but they were not afraid of the jail. I call this, Sir, a deliberate attempt to exploit ignorant labour for revolutionary purposes. They were given an hour to reconsider their position and express regret. They came out of the Court room into the compound and were prompted by young school-boys who acted as scouts, to refuse to express regret. They went to jail all right, but were refused work after release by the Mill Manager and I had to fight their case out before Mr. Langford James, an hon'ble member of this Council. It caused a strike and men were idle for a number of days and hundreds to my knowledge had to return home as there was practically a lock out following the strike.

I shall now deal with another aspect of this exploitation specially by the Khilafatists in the jute mill area. Fiery speeches are delivered regularly to the mill-hands. They demand in the name of the Khilafat, the revision of the Treaty of Sevres, evacuation of the Greeks and so forth. Learned intellectuals may understand this slogan, but it is beyond the comprehension of the mill-hands, steeped in ignorance not only by foreign rule but by religious and social prejudices and superstitions.

Such propaganda based on the questionable doctrine of utilising the ignorance of the masses in order to make them do the bidding of the Congress or the Khilafat Committee cannot be expected to produce the desired result. If the masses are to be drawn into the struggle for national freedom, it will not be done by exploiting their ignorance. Their consciousness must be roused first of all. They must know what they are fighting for. They must be made to fight for their immediate needs. Their aspirations of life are to get sufficient food and clothing and enjoy bare comforts of life and they constitute 90 per cent. of our people. I mean the masses including raiyats and workers. All programme must be dragged down from the heights of abstract idealism and made consistent with the supply of their material needs. The objective of their fight should not be deserts of Mesopotamia and Arabia or Constantinople but should be found in their huts and workshops. They should be helped in their economic fight—the eternal struggle of the raiyat and the coolie for bare existence. Instead of getting any assistance to keep the wolves out of door from their Nationalist friends, these poor wage-earners are made to subscribe large sums towards Angora and other funds. Instead of utilising every chance to make extra few annas as they had during the Royal Visit they are made to observe *hartals*, a sort of spiritual sacrifices as my friend Mr. A. C. Dutt observed the other day, the true meaning of which their ignorant mind cannot comprehend. These strikes and *hartals*, they are told, prepare the

ground for a national or a general strike leading to peremptory attainment of *swaraj*—a sort of revival of good old days when no one had any trouble about food and clothing. Sir, this kind of idealism or mysticism may appeal to those who have no cares for the morrow. To a simple wage-earner who works for his bread and who hardly gets two square meals a day, it sounds like a miracle that *swaraj* will synchronise with the removal of all his sufferings. It is a great misfortune to the large body of industrial workers and detrimental to their interest that the racial factor is lately introduced into their disputes. It is with a feeling of repulsion I recall my experiences of a strike and subsequent lock-out of the workers of the Indian Standard Wagon Company at Hirapur near Asansol. A poor Chinaman Supervisor was done to death and the European engineer was severely assaulted. The Manager of a jute mill in Ghosery was beaten and the latest victim of this *mar pit* mania is the Manager of a jute mill in Tittagarh. A spirit of disobedience to constituted authority has its echo in the mills, mines and plantations and it is becoming more and more difficult to maintain the authority of management—no matter whether that management is Indian or European or American; Irish "Larkinism" seems to be peeping in the industrial horizon. One is reminded of the 'great Belfast and Dublin strikes engineered by Jim Larkin. Even Larkin though he fought tooth and nail against Belfast masters to redress the dockers' economic grievances, he never incited Irish labour for the overthrow of the English Government, neither did he allow the millions of Irish workers to be exploited for the great Sinn Fein movement. I have the greatest respect for one or two sincere labour workers belonging to the extremist camp. They never seek to impose their political views on the simple work-folks for whose economic uplift they sacrifice valuable time and money. No one knows more intimately than Mahatma Gandhi the miserable conditions under which millions of "honest" workers eke out their existence and no one is more anxious that this saviour of the depressed classes to protect these poor souls from economic, social and political exploitation. In fact it was he who had the courage of conviction to declare during his tour in Assam that the Railway strike there was a very sad business and that "direct" action should never have been resorted to. Not until this declaration did it dawn upon Bengal leaders that labour should be left severely alone. The Mahatma repeated the same declaration after the terrible tragedy in Bombay and telegraphed to Calcutta to avoid political exploitation of labour as "it is absolutely unripe for his non-violent mission. His *chelas* have either misunderstood his injunctions or have deliberately disobeyed them. One word more about this terrible strike on the major portion of the East Indian Railway system and I have done. It has been described in newspapers that the recent strike is a purely political one. It is very difficult to judge from insufficient evidence whether the outburst was engineered for political purposes. One thing is certain that there is a new consciousness of self-respect—a new spirit of comradeship which is in evidence

among Indian workmen to-day. This rising spirit which did not exist before in the same degree as it is now is responsible for resentment for, and even retaliation against ill-treatment, abuse or assault. It is this spirit which is at the bottom of this Railway strike. It is more or less an industrial insurrection than a strike. Petty grievances of the menial staff, such as refusal to grant leave or chastisement for ordinary misconduct not in Tundla alone but in almost all the locomotive sheds throughout the line have been exploited by so-called labour workers who have more zeal for work than practical knowledge of labour conditions.

The strike which originated at Tundla as a result of alleged assault on a fireman, Ramlal, by a driver and a shunter has many features common to the last strike at Jhajha. Jhajha strike was the outcome of a rumour that an Indian fireman was done to death by a European driver. It was proved by a judicial inquiry that the death was due to an act of God, viz., an accident and not the act of the European driver, but that did not arrest the spread of the strike to almost all the locomotive sheds in Bihar resulting in complete dislocation of trade and specially coal mining. We had an inquiry in which the men were strongly represented but Khilafatists appeared on the scene from Madhupore and had the inquiry boycotted for a while, but better sense prevailed in the end. We sat from day to day examining every possible witness and came to an unanimous finding. The European foreman against whom the men had grievances was compelled to take leave. In this strike a committee was offered by the Railway Company provided the men resumed, but rumours were spread that an inquiry would not be impartial and nothing could be done. Deliberate attempts have been made lately to shake all faith in inquiries and there the agitators' hand is clearly visible. A racial factor has been deliberately introduced and agents are deputed all over the line to incite railway hands. I have been approached to mediate in the matter, but I agreed on one condition that the racial factor must be removed from the list of grievances, but that did not agree with the leaders of the strike. The result is that the premier Railway line of India, the main artery of trade and commerce, is in the grip of an insurrection the like of which has never been seen before. It is only this morning that I heard that the Bengali chief clerk at Asansol, Mr. Hazra, who was severely assaulted the other day by the strikers, has succumbed to his injury.

I, therefore, move that an inquiry be made how far revolutionary politics has entered in the industrial field and how we can eliminate it and save the poor workers on whom depends the very fabric of our society, from being further exploited for revolutionary purposes.

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. J. M. Korr): I am sure we must all sympathise with Mr. Chaudhuri in regard to the reasons which he has for bringing this resolution before the Council. Mr. Chaudhuri is well known for his sympathy with the

labouring classes and for his clear and definite views as to what can be and ought to be done to forward their economic advancement. Nothing can be more galling to a labour leader holding these views than to see these unfortunate men led astray on political issues which they cannot comprehend especially when the manner in which they are put forward can do no possible good. In this sympathy with Mr. Chaudhuri's object, I am sure, that not only Government but all employers of labour will join. Both Government and employers of labour have only too much reason to know what mischief has been done during recent months by the activities of which Mr. Chaudhuri complains.

The only difficulty I feel about Mr. Chaudhuri's resolution is his proposal for an inquiry. It is not very clear to me in what way any sort of formal inquiry would help to better matters at the present moment. Mr. Chaudhuri will, I think, agree that an open inquiry by a committee or some body of that kind would not be advisable at the present time of political and industrial unrest. If we do not have a regular open inquiry by a committee we are thrown back on some form of official inquiry. I do not suppose that Mr. Chaudhuri means an inquiry by the police although in some sense that form of inquiry is always going on since it is the business of the police to keep an eye on the revolutionary activities of those who seek to lead labour astray in the manner which Mr. Chaudhuri has described.

Then another possibility is an inquiry by the Labour Intelligence Officer and in a sense an inquiry of that kind is constantly in progress since it is the business of that officer, as Mr. Chaudhuri knows, to keep in touch with the causes of labour unrest whether they are economic or whether they are political. But in regard to the political side of course the Labour Intelligence Officer cannot do very much beyond deploring the introduction of this extraneous element in the same manner that Mr. Chaudhuri does. Mr. Chaudhuri has been in close touch hitherto with the Labour Intelligence Officer and he will, I hope, also be in close touch with Mr. Gilchrist who is shortly taking over that post. I suggest to him that instead of pressing for any particular form of inquiry at the present time it would be Mr. Chaudhuri's best policy to keep us informed of the news that he gets of this sort of exploitation of labour and that is the policy he has pursued for the last year. I can promise on my own behalf and on behalf of the Labour Intelligence Officer that we shall co-operate with him as far as we can in regard to this matter by taking such action as it is possible to take. We will also continue to keep Mr. Chaudhuri in touch with people whether officials or non-officials who can help him in his task. That seems to my mind to be a more suitable line of action at the present moment than any form of regular inquiry. Perhaps in view of what I have said Mr. Chaudhuri will not press for this inquiry.

Mr. KRISHNA CHANDRA RAY CHAUDHURI: In view of what the Hon'ble Mr. Kerr has said, I think any inquiry by the Industrial

Intelligence Officer would be more suitable than any inquiry by a committee. I withdraw the resolution and accept the assurance that those who are interested in labour should co-operate in investigating this matter.

The resolution was then, by leave of the Council, withdrawn.

Radium Institute for treatment of cancer.

Mr. TARIT BHUSAN ROY: It is with some degree of diffidence that I rise to move the following resolution:—

“ This Council recommends to the Government that immediate steps be taken for establishing a radium institute in Calcutta for the treatment of cancer. ”

I confess that I am not a member of the medical profession. I do not therefore pretend to bring any special knowledge to bear upon the discussion of this important subject, but I certainly do know this, that I have seen the indescribable and excruciating sufferings of cancer patients in Calcutta, not of one, but of more than one, within the circle of my own relations. Everyone knows that cancer is a dreadful disease and that it is no respecter of persons; it claims its victims alike from the mansions of the rich and the hovels of the poor. It is no doubt true that even doctors of eminence do not know how to give relief to the poor sufferers of this terrible disease. Only very recently there was a cancer case. I have personal knowledge of this case—and Dr. Kedar Nath Das who is known to be a specialist in this matter, was at once sent for. The lady was in terrible suffering; she had been brought all the way to Calcutta for examination by Dr. Das and he declared the case to be hopeless. But Dr. Das advised that the lady should be immediately sent to Ranchi for radium treatment; steps were forthwith taken, according to his advice, to send the lady to Ranchi. She was in an extremely weak condition and in great suffering. After two months she came back from Ranchi. The doctor in attendance declared that the sore had healed up and that she was then quite well. She has gone home and is keeping well. This is an instance which I know and about the time this lady was at Ranchi, there were two other patients who had been similarly treated, and I am glad to tell this House that those two other patients were also cured and discharged. These are the three cases within recent times which I know of. After that I had an interview with Dr. Das and he said that it was a standing reproach to Calcutta that cancer patients had to be sent from Bengal to Bihar, and that there were no arrangements for treatment of cancer in Calcutta. The question that I immediately put to Dr. Das— not knowing anything about radium or its merits I naturally asked him— was about the cost of the introduction of this system in Calcutta and Dr. Das told me “ Give me Rs. 50,000 and I will make arrangements for giving relief to these poor sufferers.” That is all that I know about it.

It is not my own opinion, I do not claim any special knowledge of this subject, but this is the opinion of Dr. Das himself.

Having regard to the fact that cancer is so fearful and frightful a disease, that it does not respect either rich or poor, and having regard also to the fact that it is possible with an expenditure of a sum of Rs. 50,000 to give relief to sufferers from this terrible disease, I have thought it my duty to come before this House with my resolution for the establishment of this institute. I do not think it is necessary for me to say anything more here, and I hope the House will give the matter its very best consideration.

Dr. JATINDRA NATH MOITRA: I beg to support the resolution of my esteemed colleague Mr. Tarit Bhushan Roy. Radium has come into therapeutic prominence, during the last decade and some of the diseases such as malignant tumours, which were hitherto regarded as incurable, are now showing reasonable hopes of cure.

In Europe and America, there is hardly any important place where Radium Institutes have not yet been founded, and it is high time that Bengal should provide one. We have got one such in Rattachi, but that is not adequate enough to meet the needs of suffering humanity and, further, why should not Bengal be self-contained in this respect? A few years ago, when the Minto Electrical Annex was established in the Medical College, much hope was entertained that radium would also find place there, but, I suppose, the resources were found to be insufficient, and the enlightened and educated province of Bengal is still without one of the latest improvement in scientific cure. It is not possible for me to give you any idea of the actual number of deaths from cancer and sarcoma in this country, as several people die of these diseases, undiagnosed and untreated, but I can say this much, that we see a fairly large number of such cases in our professional practice, and as these diseases are hardly amenable to cure, except when they are treated from the very beginning, when, however any accurate diagnosis is exceedingly difficult if not impossible, you will, I hope, agree with me in the wisdom of affording facilities of any treatment which throws out some chance of cure even at a later stage. I do not, however, deny that the treatment of cancer is still in its infancy, and it will be a long time before the medical profession will be able to say the last word on the subject. But radium treatment of cancer is certainly not less than a straw before a drowning man, and as such, must have the support of the Government as well as the public, without the least possible delay.

Babu SURENDRA NATH MALLIK: I certainly support the idea of having an institute like this which is sure to do such an amount of good to so large a number of poor sufferers. Apart from that, however, the principal difficulty is the question of money. Before we proceed any further I think my friend will do well to consult the Hon'ble Ministers and see what can be done in this matter. There is another aspect

of the question that ought to be looked to, and that is whether we could not collaborate with the Ranchi Institute and see if we cannot arrange to send up patients from Calcutta; we have also to find out whether climatic conditions of Calcutta are equal to that of Ranchi for the treatment of these patients. All these matters, all these questions of ways and means ought to be considered by the Standing Medical Committee with the Hon'ble Minister in charge. After that I think this matter might be brought before us so that we may know how we stand and what can be done. Otherwise it would be useless for us to pass a resolution providing for Rs. 50,000 for a cancer institute; we do not know what sum would be required. I do not for one moment object to this resolution, but I merely suggest that, in the first instance, we should obtain all the facts and then we can decide whether we should have our own institute or not.

The Hon'ble Sir SURENDRA NATH BANERJEA: I am very glad that this matter has been brought before this House for discussion. I may say at once that according to expert advice which I have received, there is still some uncertainty, a considerable amount of doubt, as to the efficacy of radium treatment in cases of cancer. My friend, the mover of this resolution, has mentioned three cases, and I think he has suggested that in all these cases radium treatment has been successful. However, I should like to have authentic information from the Ranchi Institute with regard to them, and also any other cases which might have come under the treatment of the doctors engaged in that Institute. Several years ago, I knew a case of cancer in which radium treatment was resorted to and it was an unsuccessful case altogether. If I were to mention the name of the gentleman concerned, the mover would perhaps be able to identify the case; it was Mr. C. C. Dutt, the well-known barrister; he suffered from cancer, he availed himself of the radium treatment; it helped to prolong his life but did not save it. That is a case within my own knowledge; but since then the treatment may have made greater progress and the chances of success might be more promising; at any rate the matter is worth inquiring into. But first let us inquire from the Ranchi Institute as to the cases of radium treatment that have come under investigation in that Institute; let us proceed upon the assured basis of facts, corroborated and confirmed; that is the first point I desire to submit for the consideration of this House. Then there is the question of expense; under the X-Ray treatment it would cost about Rs. 17,000. Radium treatment would cost us about Rs. 50,000 a year; therefore, we should hardly be justified in embarking upon this experiment involving this large expenditure unless we were more sure of the ground. Under the circumstances, the advice which I would give the mover would be that he should withdraw this motion, I, undertaking to place this matter before the Public Health Committee, and I would ask my friend to attend that committee and discuss the matter, and then we can go into the whole question of the success or otherwise of the treatment of

cancer by radium and the question of expense. Dr. Jatindra Nath Moitra is a member of that committee, Dr. Hassan Suhrawardy is also a member, and I undertake to invite Mr. Roy to a meeting of the committee when this matter will be discussed. Let us discuss the matter, and if we find the expenditure within our means, if we are in a position to help forward the establishment of a radium institution in Calcutta, which would be beneficial in cases of cancer, you may depend upon it that the Government of Bengal will do its best to establish such an Institute. I would therefore ask the hon'ble member to withdraw his motion.

Babu SURENDRA NATH MALLIK: Would it be possible for the Hon'ble Minister to invite to the meeting eminent doctors like Dr. Kedar Nath Das?

The Hon'ble Sir SURENDRA NATH BANERJEA: Yes. I will invite doctors.

Mr. TARIT BHUSAN ROY: After the assurance given by the Hon'ble Minister, I beg leave to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

Amendment of the Bengal Local Self-Government Act, 1885.

Babu SATISH CHANDRA MUKHARJI: The resolution which stands in my name runs as follows:—

"This Council recommends to the Government that immediate steps be taken to amend the Bengal Local Self-Government Act of 1885 before the general amendment of the same is taken in hand by inserting suitable sections therein to empower district boards to levy fees for the registration of carts, and to impose taxes on carriages, horses, motor-cars and lorries within their jurisdiction."

I have had the advantage of having discussed this matter with the Hon'ble Minister. The Hon'ble Minister is holding a Conference on the 6th of March at which delegates of the district boards will attend and he has assured me that he will place this matter before that Conference. In this connection I desire to bring to his notice this particular point. When His Excellency held this Conference first about 2 years ago, I had the honour of bringing this matter before that Conference, and it was accepted by all the delegates assembled there, and it was noted for future amendment. Now the object with which I have again brought this matter before this House, is that the general amendment of the Act will take a long time and in the meantime the district boards are in urgent need of more money, and therefore I wanted that a short Bill should be introduced by the Hon'ble Minister to give effect to this resolution.

Having regard to the assurance given by the Hon'ble Minister, I beg leave to withdraw this motion.

The motion was then, by leave of the Council, withdrawn.

Withdrawal of resolutions.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur being absent, the following resolution standing in his name, was deemed to be withdrawn:—

"This Council recommends to the Government that a committee of retrenchment or economy, composed of a few official and non-official members of this Council, be forthwith constituted to examine the financial side of every department of the administration, and to advise the Government as to how and where economies and retrenchments can be effected without marring the efficiency of the administrative work."

The following resolution standing in the name of **Kumar Shih Shekhareswar Ray** was, by leave of the Council, withdrawn:—

"This Council recommends to the Government that all the powers of a police officer conferred on the members of the body known as the Calcutta Civil Guard, be immediately withdrawn."

The following resolution standing in the name of **Babu Surendra Nath Mullik** was, by leave of the Council, withdrawn:—

"This Council recommends to the Government that the Calcutta Civil Guards be discharged and disbanded."

The Council here adjourned for 15 minutes.

After the adjournment.

Adjournment.

Maulvi ABDUR RAUF rose to address the Council, but there being no quorum, the Council adjourned till 3 p.m. on the 22nd February, 1922, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 22nd February, 1922, at 3 p.m.

Present:

The Deputy-President in the Chair, three Hon'ble Members of the Executive Council (the Hon'ble the Maharajadhiraja Bahadur of Burdwan being absent), the Hon'ble the three Ministers and 84 nominated and elected members.

Starred Question

(to which oral answer was given).

Cellular confinement of two political prisoners.

*XX. **SHAH SYED EMDADUL HAQ:** (a) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state whether it is a fact that one Nuresh Chandra Lahiri, a political prisoner convicted under section 17 (7) of the Criminal Law (Amendment) Act of 1908 and sentenced to 3 months' rigorous imprisonment, and his brother Probhas Chandra Lahiri, an undertrial political prisoner charged under the same section of the same Act, have been confined in solitary cells in the Pabna district jail?

(b) If the answer to (a) is in the affirmative, will the Hon'ble the Member be pleased to state the reasons for, and the authority under which, they have been so confined, the first after, and the last before, his conviction?

(c) Are the non-official visitors of the jails entitled to know the reasons for confinement in solitary cells?

(d) If the answer to (c) is in the negative, will the Hon'ble the Member be pleased to state the reasons, if any, or the rules or orders of the Government for or under which they are so debarred?

(e) Is there no rule or practice or order of the Government which requires mention of such confinement in solitary cells in the convicted or undertrial prisoners to be recorded on the jail records or tickets?

(f) Will the Hon'ble the Member be pleased to state whether the Jailors or Superintendents of the jails or the District Magistrates can, of their own accord, order such confinement in solitary cells before or after conviction?

(g) If so, is not an order or note in writing to that effect required by law or rule for such punishment?

(h) Did the non-official visitors of the Pabna jail inquire into the reasons for confinement of the prisoners mentioned in (a) above in the solitary cells?

(i) If the answer is in the affirmative, were they supplied with all the informations by the Jailor regarding such confinement on the days they visited the jail?

(j) Is it a fact that the recent Government *communiqué* about the treatment of the political prisoners in jails now, was not sent to the jail authorities of Pabna before the 4th January, 1922?

(k) Are the Government considering the desirability of issuing immediate orders to the authorities of all the jails in the Presidency not to confine the political prisoners (both undertrial and convicted) in the solitary cells, but to give them every facility for reading, writing, exercise, supply of food and bedding from outside and allowing visitors to see them, if necessary?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS]
(the Hon'ble Sir Abd-ur-Rahim): (a) to (k) The member is referred to the reply given to a starred question on the subject asked by Babu Kishori Mohan Chaudhuri at the meeting of the 21st instant

Unstarred Questions

(answers to which were laid on the table).

Indigenous Drugs Committee.

172. Babu HEM CHANDRA BHATTACHARJI: (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the Indigenous Drugs Committee is still in existence in Bengal?

(b) If so, will the Hon'ble the Minister be pleased to state the location, personnel and records of achievement of such committee?

(c) If the Committee is not in existence, why was it abolished?

(d) Are the Government considering the desirability—

(i) of having prepared, under the instructions of the Surgeon-General, a detailed annual list of indigenous drugs and modes of treatment in vogue in various parts of the province;

(ii) of mentioning in the Annual Medical Administration Report, the names of all such medical officers as would submit the best collection; and

(iii) of publishing for sale all such lists?

(e) When was the Indian Pharmacopœia compiled by Government published?

(f) Are the Government considering the desirability of publishing periodically Indian Pharmacopœia like the British Pharmacopœia?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjee): (a), (b) and (c) No Indigenous Drugs Committee was appointed for Bengal. In 1901 the Government of India appointed an Indigenous Drugs Committee for the extension of the use of drugs indigenous to India. A separate Committee called the Indigenous Drugs Manufacture Committee was appointed by that Government in 1919, and the Indigenous Drugs Committee was dissolved by the Government of India in 1920.

(e) A " Pharmacopœia of India " was issued by the India Office in 1868, having been prepared by Dr. Edward Waring, assisted by a Committee appointed for the purpose.

(d) and (f) These are matters for the Government of India and the Drugs Manufacture Committee would be the proper authority to deal with them.

Managing committees for Middle English and Middle Vernacular Schools.

173. Babu HEM CHANDRA BHATTACHARJI: (a) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether it is a fact that each High English School or College affiliated to the Calcutta University has got to be managed by a *bonâ fide* Managing Committee?

(b) Does the same principle obtain as regards the Middle English and Middle Vernacular Schools receiving aid from public bodies?

(c) If the answer to (b) is in the affirmative, will the Hon'ble the Minister be pleased to lay on the table a statement showing—

(i) the relationship of each member of such a Committee to the proprietor of the institution;

(ii) the total number of meetings held during the past three years; and

(iii) the proportion that the salary or honorarium of the secretary-proprietor bears to the monthly income of a school?

(d) If the answer to (b) is in the negative are the Government considering the desirability of—

(i) insisting on every Middle English or Middle Vernacular School having a *bonâ fide* Managing committee; and

(ii) issuing instruction to the effect that the majority of the members of such a committee shall be persons other than those related to or connected with the proprietor?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (a) Each affiliated College must have a Governing Body, and each recognised High School a Managing committee.

(b) Yes.

(c) The schools which form the subject of the question number 1,183. The value of the results of the inquiry proposed would not appear to justify the labour and expense involved.

(d) The question does not arise, since the answer to (b) is in the affirmative.

Travelling allowances to higher police officers.

174. Babu KISHORI MOHAN CHAUDHURI: Will the Hon'ble the Member in charge of the Appointment Department be pleased to lay on the table a statement showing the amounts drawn as travelling allowances by the peripatetic officers of the Police not below the rank of deputy superintendent for the period from 1918-19 to 1921-22 (up to December, 1921), noting the annual salary of each such officer?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Henry Wheeler): The information is not available and cannot be obtained without labour entirely incommensurate with its value.

Inconvenience of intermediate class passengers on inland steamers.

175. Babu BHISHMADEV DAS: (a) Is the Hon'ble the Member in charge of the Marine Department aware of the inconvenience caused to intermediate class passengers when travelling by the steamers of the Rivers Steam Navigation Company?

(b) Is it a fact that double third class fare is realised from them?

(c) Is the Hon'ble the Member aware that the accommodation provided is the same as that provided for the third class passengers, there being no benches, no latrine, no light and no sufficient protection from rain and storm?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. Kerr): (a) No.

(b) Inter-class fares are in many cases about double third-class.

(c) An inquiry has been made of the company on the subject. They report that separate screened accommodation is provided for inter-class passengers and that on some of the larger steamers benches have been fitted. They do not consider it desirable to provide latrine accommodation on that part of the upper deck which is set aside for inter-class passengers. The arrangements for lighting and protection from rain and storm are said to be adequate.

Facilities to Muhammadans to say their "Juma" prayers.

176. Maulvi FAZLAL KARIM: (a) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state what facilities,

if any, have been given to the litigants, witnesses and lawyers to say their *Juma* prayer in accordance with the resolution passed some time back to suspend the work of courts and offices on Fridays from 12-30 to 2 P.M.?

(b) Is the Hon'ble the Member aware that the Hon'ble the High Court has granted the subordinate Judicial officers a half-holiday on Saturdays?

(c) If the answer to (b) is in the affirmative will the Hon'ble the Member be pleased to state whether the said concession was asked for? If so, when the same was asked for?

(d) Will the Hon'ble the Member be pleased to state the reasons for not giving full effect to the resolution regarding *Juma* prayer?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (a) The member is referred to the answer given to his question No. 43 (c) asked in July last. The High Court, Calcutta, has been addressed on the subject and the learned Judges do not consider any further action to be necessary.

(b) Yes.

(c) Yes; in February, 1912.

(d) The Government orders afford adequate facilities to Muhammadans attending courts and offices to say their *Juma* prayers.

Proposed Light Railway between Khulna and Barisal.

177. Maulvi FAZLAL KARIM: (a) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether there was any proposal for a Light Railway from Khulna to Barisal?

(b) If so, what has become of that proposal?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (a) and (b) The member is referred to a speech by the Hon'ble Mr. (now Sir John) Cumming on a resolution moved by the Hon'ble Maulvi A. K. Fazl-ul Haq at a meeting of the Legislative Council on the 12th August, 1919, on the subject of the connection of Barisal with Calcutta by rail.

In that speech will be found a history of the various proposals and the reasons for abandoning the scheme of railway communication between Khulna and Barisal. An approximate estimate was framed in 1912 for a light railway from a point opposite Khulna to Barisal, but this proposal was abandoned in favour of the broad gauge project which, for the reasons stated, has also been abandoned.

Patuakhali waterworks.

178. Maulvi FAZLAL KARIM: (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the experimental tube well for the proposed Patuakhali waterworks is to be constructed during the current financial year?

(b) If not, are the Government considering the desirability of providing in the coming Budget for 1922-23, the necessary funds for constructing the well?

The Hon'ble Sir SURENDRA NATH BANERJEA: (a) and (b) A grant of Rs. 10,000 for sinking the tube well has been paid by Government to the Municipality and it is intended to take up the work very shortly. The work is not expected to be completed until about the end of May.

Apprentices in Kanchrapara railway workshops.

179. Rai RADHA CHARAN PAL Bahadur: (a) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that some Anglo-Indian candidates for apprenticeship in the Kanchrapara Railway workshops were taken in the close of last year, through nomination and not by competitive examination? If so, why?

(b) Will the Hon'ble the Minister be pleased to state why pay for local holidays is not allowed to the Indian apprentices while the same is enjoyed by the Anglo-Indian apprentices?

(c) What steps, if any, do the Government propose to take to remove this inequality in the conditions of apprenticeship?

(d) Will the Hon'ble the Minister be pleased to lay on the table a statement showing the academic and other qualifications of the present Anglo-Indian and Indian apprentices at Kanchrapara?

(e) Will the Hon'ble the Minister be pleased to state whether the apprentices now working at Kanchrapara are entitled to avail themselves of the new scheme of apprentice-training, which is to be completed by a two-years' course at Sibpur?

(f) If the answer to (e) is in the affirmative, are the Government proposing to grant scholarships to deserving Kanchrapara apprentices proceeding to Sibpur?

(g) Will the Hon'ble the Minister be pleased to lay on the table a statement showing in detail, item by item, the total amount of money sanctioned and spent for the new Hostel for the Indian apprentices at Kanchrapara?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (a) to (d) The apprentices in the Kanchrapara workshops are serving under the Government of India and this Government have no information beyond that given in reply to question No. 48, asked by the member at the meeting of the Council held in November last.

(e) Yes, provided they pass the competitive selection examination for admission to the Bengal Engineering College.

(f) No.

(g) Rs. 68,083. No details are available.

**Certification of " parchas " sold from
Jessore Settlement offices.**

180. Babu NALINI NATH ROY: (a) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is a fact that the *parchas* sold from the Jessore settlement offices are not certified?

(b) Will the Hon'ble the Member be pleased to state whether this is a new practice?

(c) Is the Hon'ble the Member aware that the Courts do not accept uncertified copies?

(d) Is the Hon'ble the Member also aware that when a certified copy is required it has to be secured from the district headquarters by paying a fee of eight annas?

(e) Is the Hon'ble the Member aware that in the district of Jessore, communication with the district headquarters from most of the other places of the district is very difficult?

(f) Are the Government considering the desirability of authorising the issue of certified *parchas* from the Jessore settlement offices?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhira Bahadur of Burdwan): (a) The copies supplied free at recovery camps both to landlords and tenants are always certified. Copies sold are certified, if application is made and the certification fee of eight annas paid.

(b) The same procedure has always been followed in all settlements.

(c) Yes; Courts cannot accept uncertified copies as evidence.

(d) Certified copies can be sent by post from headquarters or supplied at mufassal camps if application is made.

(e) No.

(f) The member is referred to the answer to (a).

Narail Victoria College.

181. Babu NALINI NATH ROY: (a) Will the Hon'ble the Minister in charge of the Department of Education be pleased to lay on the table a statement showing the amount of aid given by Government, separately, to each college, district by district, in the Presidency Division, except Calcutta?

(b) Is it not a fact, that there is one college in the district of Jessore?

(c) Is the Hon'ble the Minister aware that there is no science section attached to that college?

(d) Are the Government now in a position to help the college with funds?

(e) If the answer to (d) is in the affirmative, will the Hon'ble the Minister be pleased to state the terms under which Government may be willing to provide such funds?

The Hon'ble Mr. P. C. MITTER: (a) A statement showing the amount of annual grants given to each of the private colleges in the Presidency Division is placed on the table.

(b) It is a fact.

(c) Yes.

(d) The Victoria College, Narail, and its attached school are in receipt of a grant of Rs. 150 a month. Funds are not available for fresh or additional grants to colleges.

(e) If, and when, funds are available, the college will be eligible for grants in accordance with the grants-in-aid rules, a copy of which is placed on the Library table.

Statement referred to in the reply to clause (a) of unstarred question No. 181, showing the maintenance grants to colleges in the Presidency Division except Calcutta.

District	Name of Colleges.	Amount of annual grants.
		Rs.
Khulna	... Daulatpur Hindu Academy ...	7,400
Jessore	... Victoria College, Narail (and School).	1,800

Hooliganism near the Junction of Chitpur Road and Mukhtaram Babu Street.

182. Babu SURENDRA NARAYAN SINHA: (a) Is the Hon'ble the Member in charge of the Police Department aware of the fact that a number of goondas and bad characters assemble almost every evening

on the road-side of the Chitpur Road, near its junction with Muktaram Babu Street, under the pretence of selling articles at auction, and that they rob, cheat and molest the passers-by and intending purchasers?

(b) If so, are the Government considering the desirability of taking steps to put a stop to this?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Henry Wheeler): (a) and (b) Near the junction of Chitpur Road and Muktaram Babu Street, there is an open plot of land where temporary stalls for the sale of goods have been erected and auctions used to be held. Four prosecutions under section 29 of the Calcutta Police Act were instituted, but as the owner of the land now receives rent from the stall-keepers, further prosecutions are not contemplated. Auctions have, however, been stopped. No offence of the kind described has been reported to the police.

Resolutions

(under the rules for the discussion of matters of general public interest).

Protective Works in Pabna.

Maulvi SHAH ABDUR RAUF: "This Council recommends to the Government that protective works constructed by the Government to save the town of Pabna from the erosion of the river Padma (Lower Ganges) be made more effective by extending them to the present source of the streamlet Ichamati (that flows by the town of Pabna) on one side and the present steamer station of Pabna on the other, and repairing the damaged portions and early steps be taken to take up the works of repairs and proposed extensions so that they may be completed before the commencement of the rainy season."

The erosion of the river Padma commenced on the Pabna side in 1916. The people of Pabna got alarmed and moved the authorities to take timely action for the safety of the town. But the river was yet far away from the town and the authorities paid no heed to their apprehension. During the rains in 1918, the river made further encroachments. The matter was brought to the notice of His Excellency the Governor during his visit to Pabna and the people of Pabna were assured that the Government would take such measures as may be found possible should the necessity arise. After His Excellency left Pabna, the river made further inroads and went far beyond its old bed, washing away in its course the Circuit house and a portion of the municipal area. In January, 1919, the people of Pabna sent a memorial to His Excellency and prayed for protection. No reply was given to this memorial, nor were any steps taken. Another memorial was submitted to His Excellency on the 25th August, 1919, but no reply was sent to this memorial also. There being no signs of any protective measures being undertaken, the people of Pabna pressed Kumar

Shih Shekhareswar Ray to bring forward a resolution before the House recommending to the Government to undertake immediate protective works to save the town of Pabna from further erosion by the river Padma. He moved this resolution on the 3rd February, 1920. The Government was pleased to accept this resolution. Babu Kishori Mohan Chaudhuri also asked a few questions on this subject in the same sitting of the Council and the late Mr. Cowley, the Chief Engineer in the Irrigation Department, in answer to these questions stated—

The Government have decided to construct a short length of protective revetment at a point on the river bank, a little distance above the town, which, it is hoped, may have the effect of diverting the main current of the river outwards on the southern bank and thereby cause scour on that side and avert the erosive tendency of the river opposite the town. The proposed work is estimated to cost Rs. 2,60,000 and it is intended to complete the revetment before the coming flood season.

In pursuance of the above decision, lands were acquired and works commenced from March, 1920. At the end of that month, the people of Pabna, the Charman of the Municipality, and the Secretary of the Pabna District Association submitted petitions to His Excellency the Governor for expediting the work and carrying the revetment work to the present steamer station of Pabna on one end and the present source of the streamlet Teclamat on the other as has been proposed in the present resolution. All these memorials urged that such extensions were necessary to make the revetment more effective for the safety of the town and finally avert the damage. The memorialists also represented that the sanctioned amount was not sufficient to meet the cost of this proposed extension and prayed for the sanction of such further amounts as were deemed necessary for the purpose. This time the petitions were acknowledged, but the Government reply (given by Mr. Walsh, in his letter No. 2 T.M.P.E., dated Dupleing, the 23rd April, 1920), was far from satisfactory regarding this question of further extension. The memorialists were informed that it was a "matter for their expert officers and in view of the present conditions of the river the protection should be limited to a length of 16½ chains."

But the river did not wait for the experts of the Public Works Department. Big cracks became visible daily below and beyond the revetment under construction and the erosion began to make rapid progress. On 2nd September, 1920, the late Mr. Cowley and Mr. Walsh inspected Pabna Protective works. A deputation headed by the Rev. Mr. Grace of the local Baptist Mission waited on them and pressed the question of extension. On seeing the attitude of the river threatening, the Chief Engineer ordered the sloping of an area of about 900 feet at the both ends of the revetment. But this sloping not being protected by stone boulders or brick packing began to go down daily and the river began to push inwards gradually. The Pabna District Conference, presided over by Sir Asutosh Chaudhuri on the 19th June, 1920, passed a resolution to the effect

that the short length protective revetment constructed by the Government for the safety of the town of Pabna was inadequate and urged the Government to save the town by extending the revetment and adopting other adequate measures. The erosion was in full swing. The late Mr. Cowley along with Mr. G. G. Day the then Superintending Engineer of the Northern Circle, again came to Pabna on the 4th July for inspection. A deputation on behalf of the people again waited on them. There being imminent danger of the river cutting through the Collector's late bungalow, the late Chief Engineer ordered sack protection for a short area—I mean the area between the revetment and the then source of the Koshakhali Jola. The area between that jola and the source of the streamlet Ichhamati still remained exposed to the fury of the river and a junction of the river with the streamlet Ichhamati (that flows by the town of Pabna) was apprehended. The erosion went on, the Chief Engineer and Mr. Day again visited Pabna on the 30th July. A curve had formed in the meanwhile outside the sack protected area on the east and gradually began to widen. Messrs Cowley and Day, again came to Pabna on the 8th September, 1920, but this time they stopped all further works and even the repairs as the floods had begun to subside. These protective works were seriously damaged owing to heavy and incessant rainfall in the beginning of October.

In spite of serious damages, these protective works did splendid service in resisting the pressure of strong current on the Pabna side. On the 30th November, 1920, the people of Pabna submitted a petition to His Excellency the Governor and in paragraphs 2 and 3 of the said petition urged the Government to take up the repairs and extensions of these protective works. The damaged protective works were inspected by the Superintending Engineer, Northern Circle, early in December, 1920. The memorialists were informed by Mr. Walsh (in his No. 342-M.P.L., dated Calcutta, the 14th March, 1921), that arrangements for repairs and extension of protective works by a further 900 feet down stream had been made.

In paragraph 3 of this letter, the question of extension was dealt with as follows:—

In paragraph 3 of the memorial, it is urged that the revetment should be extended from the steamer ghat to the mouth of the Ichhamati river. The length of the bank proposed to be revetted is 2 miles, out of this, it is hoped that nearly half a mile will be revetted, by the rains of 1921. Government are advised that even if they were satisfied that it was necessary for the safety of the town of Pabna, it is impracticable during the working season, to collect more materials for the further extension of the revetment. There are signs that the probable point of attack of the river during the rains of 1921 will be below the revetment as it exists now and not above it, so that an extension higher up the river does not appear to be necessary. Apart from the impracticability of constructing any extension beyond that now proposed, the formation of a char to the south of the steamer ghat seems to indicate that any erosion between the lower end of the revetment and the mouth of the Ichhamati will be slight.

As stated in the above letter, the protective works were repaired and the revetment was extended by 900 feet. But this time also a portion of the protected area was badly damaged. The attitude of the river being still threatening, the people of Pabna on 14th December, 1921, have again submitted a memorial to His Excellency the Governor for repairs and extension of the revetment. This memorial was acknowledged by the Private Secretary to His Excellency in demi-official letter No. 2009, dated the 4th January, 1922. In paragraph 3 of the memorial it was stated—

The attitude of the river is still threatening as the main current is on the Pabna side, and we apprehend greater harm during the coming season. So, to make these protective works more effective for the safety of our town, we beg most respectfully to submit that they should be extended further, both above and below the protected area. In our humble opinion, if the revetment be carried up to the present source of the streamlet, Ichhamati (that flows by the town of Pabna) to the east, and the present steamer ghat of Pabna to the west, the danger to which our town is exposed from erosion ~~will~~ be averted.

To meet the cost, we humbly pray, that your Excellency's Government will be pleased to sanction and allot in the budget such further amounts as may be deemed necessary for the purpose of repairs and extensions and order necessary materials to be timely collected so that the repairs and extensions may be completed before the coming rains.

The Superintending Engineer, Northern Circle (Mr. R. C. Hodgson), has also inspected the protective works on the 30th December last.

A *char* has formed opposite the town, but the effect has been opposite to what was foreshadowed in Mr. Walsh's letter mentioned before. It has diverted the main current of the river on the Pabna side and has made the apprehensions of the people during the coming rains stronger. Government has also done their best to save Pabna and have not as yet grudging any expenditure for this purpose. The people of Pabna believe that the extensions proposed in this resolution are urgently required and would afford them adequate safety by fully and finally averting the danger to which the town is exposed from the erosion.

The flood level of the river is now sufficiently low and hence the present is the proper time for taking up the work again. As the matter is urgent and fraught with serious danger to the town and as it is within the power of the Government to prevent this impending danger, I hope, the Government will accept my resolution and undertake immediate measures for repairs and extensions of the revetment on its both ends, up to the source of the river Ichhamati on the east, and the steamer ghat to the west and thereby make the revetment already constructed far more effective for the safety of Pabna and thereby earn the everlasting gratitude of the people of that town.

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): The subject of this resolution, viz., the protection of the left bank of the river Padma along the front of the town of Pabna came before this Council in 1920. In accepting a resolution moved by the Hon'ble Kumar Shib Shekharswar Ray on the 3rd February of that

year the Hon'ble Mr. (now Sir John) Cumming explained that while Government could not accept responsibility for protecting private land on the banks of big rivers they were prepared, on occasion, to take measures of protection. They decided therefore in this case to construct a short length of revetment in the hope that it might have the effect of diverting the main current of the river outwards on to the southern bank and thereby cause scour on that side and avert the erosive tendency of the river opposite the town.

In accordance with that decision a length of 1,650 feet of bank was protected before the floods of 1920. This length was subsequently increased to 2,250 feet, the total cost up to date being Rs. 3,71,721. This figure includes the cost of repairs which have had to be undertaken owing to damages caused by subsequent floods. The object arrived at has, to some extent, been effected in that the revetment is still standing and that no further serious erosion of this bank has occurred.

Subsequent floods have damaged the revetment but not to a greater extent than might be expected. Although the main river has not yet completely abandoned this bank, there are signs that it is assuming for itself a new channel on the south bank which will in time result in the silting up of the channel on the Pabna side.

The conditions of the river and of the revetment have recently again been examined by the two Chief Engineers. As a result of these observations they advise that the damage which has occurred should be made good, as far as is possible, before the next flood season, and to the extent that funds are available under "Repairs" in the current and next year's budget. Orders to this effect have been given to the local officers and arrangements to carry out the work are now being made. They do not consider it is either possible or necessary to completely restore the revetment to its original state. Now, Sir, to turn to the subject of extensions of the revetment, both up and down stream, which the mover of the resolution has urged should be undertaken and completed before the ensuing floods. This is a work of much greater magnitude and expense than he appears to realize. As already stated, the revetment which has been constructed is 2,250 feet in length and has cost nearly Rs. 3½ lakhs to construct and maintain. The extensions which it is now urged that Government should undertake, would be 8,200 feet in length, viz., 3,600 feet up stream from the upper end of the present revetment towards the west and 4,600 feet down stream from the lower end towards the east. It is estimated roughly that the cost of these extensions would be nearly Rs. 10 lakhs and that a recurring charge of about rupees half a lakh annually would be necessary to maintain the extensions. These extensions must be considered as new work for which no provision exists in the current year's budget; while the Council are aware of the difficulty of providing for any new works during 1922-23. Without budget provision no new work can be undertaken. But, Sir, apart from the financial difficulty, Government are advised that, in respect to the bank above

the present revetment to the west, it is unnecessary to construct any extension. There has been only slight erosion of the bank in this locality and the stiff clay of which the bank partly consists and which was relied on to resist erosion, is still effective.

In regard to the suggested extension below the lower end of the present revetment, viz., to the east, it is true that erosion in this neighbourhood is still going on and that certain homestead and a mosque are threatened with destruction possibly in the near future. But, Sir, bearing in mind the responsibility which Government announced in 1920 they were prepared to undertake in this matter and which I have already alluded to, they consider that the expenditure of the large sum of Rs. 5½ lakhs for the protection of the bank in this neighbourhood from farther erosion cannot be justified, especially as this erosion is not likely to menace the safety of the town itself. It is moreover physically impossible to construct a work of this magnitude without considerable preparation and expenditure on materials, to meet which, as I have already stated, it is not possible in present financial circumstances, to find the necessary funds.

Finally, Sir, I desire to impress most strongly on the Council the opinion of our expert officers, viz., that a revetment of the nature that it is possible to devise with the materials which are procurable in the locality cannot be guaranteed to withstand a determined attack by a river of the magnitude and power of the Padma in flood. Supposing, therefore, that the construction of the extensions were determined on and that funds were forthcoming, it cannot be stated, with certainty, that the revetments would render the town completely safe from destruction.

The safety of the town depends far more on the natural change in the main channel of the river in its bed than on revetments which the Public Works Department is able to construct.

In the circumstances which I have now explained, I regret, Sir, that, on behalf of Government, I cannot accept the resolution.

Maulvi SHAH ABDUR RAUF: I have listened very carefully to the speech delivered by the Hon'ble Minister and what I can gather from his speech is that he does not deny the necessity of protective work, but says that funds are not available. As we know the condition of the budget, for the present, I beg to withdraw my resolution.

The motion was then, by leave of the Council, withdrawn.

Withdrawal of resolution.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): As Rai Nibaran Chandra Das Gupta Bahadur is absent the following resolution which stands in his name is deemed to be withdrawn:—

“ This Council recommends to the Government that the time for the sittings of the Council be changed and fixed from 12 noon to 4 P.M.”

Rai Dr. HARIDHAN DUTT Bahadur: May I have your permission to move the amendment which stands in the name of Mr. Tarit Bhusan Roy?

Babu RISHINDRA NATH SARKAR: May I rise to a point of order? Owing to the absence of the mover, resolution No. 46 has failed.

The DEPUTY-PRESIDENT: Rai Dr. Haridhan Dutt Bahadur is moving the resolution as amended by Mr. Tarit Bhusan Roy.

Time for Council sittings.

Rai Dr. HARIDHAN DUTT Bahadur: I move that "this Council recommends to the Government that the time for the sittings of the Council be changed and fixed from 11-30 A.M. to 4-30 P.M."

Now nearly one year has passed away since the time of the Council was fixed from 3 P.M. to 7 P.M. It is time now to find out whether the change has been conducive to any improvement in the attendance of the members of this Council. I have been trying to be as regular as I possibly could by my attendance in this Council and I must without any hesitation say that the attendance of the members in the Council here has not been satisfactory. Occasions have arisen when the Council has had to stop work for want of a quorum. It is time that we should try to find out the reason for this. Certainly we are not prepared to admit that we have lost interest in the work of this Council. Then you saw that on several occasions for want of a quorum the meeting had to be adjourned. I am one of those who believe that the selection of the hour from 3 to 7 P.M. had been one of the causes which led to this state of affairs. Those of us who have closely followed the meetings of the Council will very likely agree with me when I say that most of us have felt it very tedious to continue sitting here after 5 or 5-30 P.M. when we are accustomed to have some outing in the evening breeze. We are then obliged to shut ourselves within this Council Chamber around which I find masonry walls without any inlet for the outer air to come in except by the help of the ventilator overhead and the *punkhas* swinging above us. People naturally feel inclined to go out. I think, that is one of the reasons which has stood against the success which some of us thought to achieve by changing the hour. Sir, if I am right, it was pointed out on that occasion that certain members would be able to be more regular in their attendance if the time was changed.

Now, let us find what has been the result. It is now 3-30 P.M., but where are our lawyer friends? Are they here except my friends Babu Surendra Nath Mallik and Mr. S. M. Bose? Where are those gentlemen who took the initiative in the change of the hour? Only the other day a list was placed in our hands showing the attendance of the members last year. I do not like to go into that in detail, but if my friends would look into it they would find that most of those who wanted the change was conspicuous in the list by their poor attendance. It was contended

on the last occasion that all merchants would be generally busy during the office hours and would perhaps feel more inclined to come here in the afternoon and in the evening. But the remarks which I have made about my lawyer friends are also equally applicable to them. I am really sorry that I have to make these remarks, but the facts must be stated as they are. Sir, some of us did feel that the old state of affairs had its objections and had its inconveniences, but on the whole that was the best that we could do in fixing the time of the Council. That being so, I am disposed to think that the time has come now when we should revert to the old state of things. I learn that the old practice to hold the meeting was from 11 A.M. to 5 P.M. Mr. Tarit Bhusan Roy has suggested 11-30 to 4-30, and I believe his idea was to allow one hour for lunch. This will give at least four hours' time if the lunch time be left out of account. Personally, I feel that that would be the least inconvenient method for most of us. I therefore request this Council to revert back to that system.

Maulvi SHAH ABDUR RAUF: In the absence of Shah Syed Emdadul Haq, I move that the words "1 P.M. to 5 P.M." be substituted for the words "11-30 A.M. to 4-30 P.M." in appendix No. 47.

My grounds for moving this amendment are as follows. Resolutions Nos. 46 and 47 say that the Council should not sit after 4-30 P.M. One can safely infer from that that the movers of these resolutions are unwilling to sit after 4-30 P.M. and I think everyone of us will agree that the time between 5 and 7 is the most tedious portion of the Council meetings. Most of us go away for a walk after 5 o'clock and generally we find that the quorum falls short in the evening. So it clearly shows that we are not very willing to sit late in the evening. I beg to suggest that we should sit at 1 P.M. instead of 11-30 or 12 because if we sit at that hour, it will not inconvenience the Muhammadan members who can come after offering their mid-day prayers and the time for evening prayers will not be required if we close at 5. It will not also interfere with the work of the other members of this Council because if they can come at 3 P.M. they can easily come at 1 P.M. and I suggest that the Council should dissolve at 5 P.M. because it will give ample opportunities to the members to enjoy the evening to their heart's content either by a walk or otherwise.

With these few words, I beg to move this amendment and I hope the Council will accept it.

Babu RISHINDRA NATH SARKAR: In the absence of Babu Indu Bhushan Dutta I move that in the motion of Rai Nibaran Chandra Das Gupta Bahadur for the words and figures "12 noon to 4 P.M." the following be substituted, *viz.*, "2 P.M."

I move it by way of compromise, and I hope it will be convenient both to the members who come from the mufassal and also to those who live in Calcutta.

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Henry Wheeler): The Council had a discussion on this subject on the 7th February, 1921, when Sir Robert Watson-Smyth, with the support of Babu Amulya Dhone Addy, and speaking primarily on behalf of the business community, suggested that we should adopt the present hour of 3 o'clock for the commencement of our sittings. Two amendments were then moved—one by Rai Radha Charan Pal Bahadur who suggested 2 o'clock as the opening hour, though he subsequently rather repudiated his own proposal, and one by Babu Surendra Narayan Sinha that we should begin at 1 p.m., though that too was withdrawn. In the course of that debate I pointed out that the fixing of the hours of the Council rested with His Excellency, but the opportunity of discussion was welcomed in order that members might have the chance of expressing their views, which would naturally carry weight with Government. It is on that same understanding that we are holding this debate to-day. On that previous occasion Sir Robert Watson-Smyth's proposal was finally carried by a large majority of 74 to 36, and the arguments then used turned mainly on the relative convenience of Calcutta and mufassal members. The mufassal members then rather hoped that by sitting longer hours they could get more quickly through the total business and be able to return to their own districts, and I notice on re-reading the debate that one member even hoped that we could get through our business in the course of two days, a hope which, I am afraid, has not been realised. But in so far as the present hours of our sitting are four, 3 to 7, and the proposals of these amendments amount either to the same or less, that argument which was used on the last occasion rather falls through; that is to say, the argument that if we began sitting earlier, we could sit later and get through more work, falls through, because under any of the proposals now made we should sit approximately for four hours if not for less. That being so, it seems to me that the scale rather turns against the mufassal members, because while the Calcutta members have work which they must perform in this city, the mufassal members come down here primarily for this Council work, and therefore it is easier for them to adjust their time to whatever the hours of the Council meetings may be.

On the proposals before us, I must say that two of them are open to objection. Babu Tarit Bhusan Roy would ask us to begin at 11-30. Now assuming that we have the luncheon hour at the usual Calcutta time of 1-30 p.m., it will be inconvenient to divide the sitting hours into two parts with an interval of one hour between, and the time 11-30 a.m. is also an awkward time because it breaks up the morning and scarcely gives us a sufficient interval to get through any work of importance before us; while Maulvi Emdadul Haq's proposal, as moved by Maulvi Shah Abdur Rauf, is open to a still more serious objection to my mind, namely, that by beginning at 1 p.m. we seriously interfere with all members who have their lunch at 1-30. Allowing for lunch interval, his total

sitting would only amount to three hours a day, or less than what we have now. So on their merits, both these proposals would seem rather open to criticism, and for my own part I would rather press the case of the Calcutta members and of the official members in particular. I think there is not the slightest doubt that, so far we are concerned, the present hours of sitting suit us better than anything else. They do give us the mornings to get through our other work and to attend committee meetings, and it would be very difficult for us to carry on our ordinary work if, practically, we had to devote the whole of the working day to Council.

The argument has been used by the movers that it is the present hour which accounts for unsatisfactory attendance and for the somewhat frequency of adjournments for want of a quorum. I doubt if that is altogether a valid argument. There are other possible explanations, namely, that members get rather weary of sitting here and listening to debates on resolutions which are of local or narrow interest, or, again that they absent themselves purposely in order that particular resolutions may be taken up at particular hours. So there are other possible explanations, and that being so, I am in favour of retaining the afternoon sittings, although, possibly, we may improve on our present practice by a small change approximating to the proposal of Babu Rishindra Nath Sarkar, namely, that instead of beginning at 3, we might begin at 2-30 and sit till 6-30. This would somewhat relax the tension, of which complaints have been made, of sitting in the Council Chamber till so late an hour as 7. That, therefore, would be my personal suggestion to the Council, that if we make any change at all, it might well be in the direction of 2-30 to 6-30. However, all the arguments that are put forward will be duly communicated to His Excellency and will be fully considered by him in judging the merits of the matter.

Babu RISHINDRA NATH SARKAR: I am willing to accept the suggestion of the Hon'ble Sir Henry Wheeler that the hours for the meetings of the Council should be fixed at 2-30 to 6-30 p.m.

Rai MAHENDRA CHANDRA MITRA Bahadur: My idea is that the proceedings of the Council ought to commence at 11-30. This subject was discussed previously and we were told at the time that some sacrifice ought to be made for full one year. We have attended the Council at some sacrifice and we find that the House has been adjourned on several occasions on account of want of a quorum. I also notice that Calcutta members do not regularly attend the Council or at late hour and if the Calcutta members, the Calcutta lawyers, the Calcutta medical men, the Calcutta attorneys will kindly take into consideration the expression of opinion of the mufassal members, I submit respectfully that the hours 11-30 to 4-30 will be to the advantage of the mufassal members. The hours from 3 to 7-15 were tentative, i.e., as an experimental measure, and I remember the words of the Hon'ble the

Maharajahdiraja Bahadur of Burdwan echoed by Sir Surendra Nath Banerjee that these hours were to be treated as an experimental measure. It does not look well for me after the expression of opinion given by Sir Henry Wheeler to resist the idea which he has given to the Council, but I appeal to him whether the mufassal members do not lose much in attending Council at late hours when as a matter of fact we find that Calcutta members are absent.

With these words, Sir, I support the motion made by Rai Dr. Haridhan Dutt Bahadur.

Babu AMULYA DHONE ADDY: I beg to support the original resolution of Rai Nibaran Chandra Das Gupta Bahadur.

The DEPUTY-PRESIDENT: That is not before the Council now.

Babu AMULYA DHONE ADDY: Then I ask your permission to move it as an amendment.

The DEPUTY-PRESIDENT: You cannot do that because we have already passed it.

Babu AMULYA DHONE ADDY: Then I beg to make this suggestion for the consideration of the Council that the meetings of the Council be held from 12 noon to 4 p.m. On the last occasion when Sir Robert Watson Smyth moved that the meetings be held from 3 to 7 p.m., I supported him because I was under the impression that it would be most convenient to the commercial members as well as to the legal members of this Council, but it now appears that they do not find their way to attend the Council at these hours. Even now most of the commercial and legal members are absent, and therefore I think that 12 to 4 p.m. would be most convenient. I make this suggestion specially on the ground that 15 members of the Calcutta Corporation are members of this Council and their meetings are generally held from 4 to 6-30 p.m., and it is therefore desirable that for the convenience of those members, the meetings of this Council should not be held after 4 p.m. This is one of the special reasons why I make this suggestion.

The Hon'ble Sir HENRY WHEELER: May I rise to a point of explanation? In justice to the commercial members, I may point out that five of them having resigned, their seats are at present vacant.

Babu NITYA DHON MUKHERJEE: I beg to oppose this motion moved by Rai Dr. Haridhan Dutt Bahadur and supported by Babu Amulya Dhone Addy. There is a somewhat amusing feature in the argument put forward by the Rai Bahadur. In the course of his speech he observed that the lawyer members of this Council would oppose his motion as, according to him, if carried out, it would go against their personal interest. Now, Sir, the Rai Bahadur forgot that the motion he moved was never sent by him and it did not stand in his name, but it

was a motion of a lawyer in whose name it stands and with your permission he simply moved it. Therefore the argument falls to the ground.

The members of this House may be divided into four classes, viz. —(1) Mufassal members, (2) Calcutta members, (3) Officials, (4) Representatives of Trades Associations. Now, Sir, let us consider the convenience or inconvenience of each of these sections one by one. As to mufassal members, it is known to everybody that they come away from home and have got to stay at Calcutta during the sitting of the Council, and as far as I have been able to ascertain it does not matter to them when the Council sits, but their only concern is that it should sit for as many hours as practicable, so that they may finish the business of the Council as early as they can to enable them to return home to attend to their own duties there. The hours fixed at present prescribes a longer sitting than the motion under discussion. Therefore, this must be their most convenient hour.

Now, of all the Calcutta members present to-day, only the mover and Babu Amulya Dhone Addy are in favour of the proposal, and their principal point is that the Council must not sit after 4-30 p.m. The reason, Sir, I beg to point out is that both of them are members of the Calcutta Corporation and the General Committee sits at that hour. My friend have got to attend these meetings and they attend these meetings for the same interest as a lawyer attends to his client's case, and therefore all these arguments have been showered against the lawyers. There are members of the Calcutta Corporation who are sitting in this House now, but none of them have raised a voice against the present arrangement.

As to official members and business men, the Hon'ble Sir Henry Wheeler has already pointed out that the present hours will suit them best. It is a patent fact that this enables the Calcutta members to attend to their ordinary work for a certain portion of the day and it does not inconvenience the mufassal members.

The learned mover further pointed out that we all feel disinclined to work after 5 p.m., and therefore on many occasions meetings of this House have failed for want of a quorum. I propose to give a practical example against this argument. Sir, it is not yet 4 p.m. How is it that most of the seats of the elected members are vacant now? If ten of us leave this Hall, a quorum will be wanting. The real reason for want of a quorum is not that, but because many of the members leave the House to avoid giving votes, many do not take any interest in local questions and go away, and others leave this Hall on some other grounds and meetings fail. With these few observations, I oppose the motion.

Rai JOGENDRA CHUNDER CHOSE Bahadur: I was one of those who supported that the sittings of the Council should begin at 11 o'clock, because I was told that the mufassal members wanted it. I said at the time that 11 o'clock was very inconvenient to me personally, but if the mufassal members wanted it, let them have it. Now I find that

mufassal members do not want it and that being so we cannot change the time to suit the municipal commissioners. Therefore I shall be very glad to accept the time as proposed by the Hon'ble Sir Henry Wheeler.

Babu SURENDRA NATH MALLIK: I must confess that the point which would go to decide this question is that which has been so ably put forward by the Hon'ble Sir Henry Wheeler, namely, the question of the convenience of the members. There cannot be any other consideration. So far as these resolutions are concerned, it is very significant, as my friend has said, that their fathers are not present here to-day but their foster-fathers have taken them up. Foremost among them is my friend, Rai Dr. Haridhan Dutt Bahadur. Of all people I do appreciate his difficulty, because he has got his General Committee meetings at 4-30, which bring him a decent fee.

Rai Dr. HARIDHAN DUTT Bahadur: I am not a member of the General Committee.

Babu SURENDRA NATH MALLIK: You were on the General Committee for 17 years and you are a candidate for it next year. I am also sorry for my friend, Babu Amulya Dhone Addy, who is on the Buildings Committee, which brings in a fee, though not so big as that of a member of the General Committee. He has been there for the last 13 years and the meetings begin at 4-30. That is the reason why my friend is anxious to be the foster-father of this resolution. I am a member of the Corporation, but I do not get any fee, and so I am not at all anxious to alter the hours. It is only a question of personal convenience. For my part, I would prefer the existing hours, as this would allow me to attend to my other duties. It will be quite impossible for me to attend the Council at 11-30 and possibly I may have to resign. So far as the mufassal members are concerned, I submit that it makes no difference to them whether the meeting is held at 12 or 3. But by holding it at 3 o'clock they can help the Calcutta members in their work and see to their convenience and I do not think they will object to this. The mufassal members come here from a long distance and when they have got to sit here it does not matter to them whether they come at 12 or 3. On the contrary if they come at 3, they can come here after having their afternoon naps. I think that those people who want this change are the very people who do not mean to come at 12. They simply mean to come here at 2-30 to attend for an hour or so in order to give their *hajiri*. That is the reason why we find our chairs not occupied throughout the meeting.

There is also another thing to be considered, namely, the convenience of other persons—I mean the officials. If we begin at 3, they can attend to their own office work in the morning and do their work here. That means we can get more work out of them than if we keep them here from 12 o'clock. I have seen the Chairmen of the Improvement Trust and the Calcutta Corporation, and other official

members coming here simply for the purpose of raising their hands whenever they are called on to do so. If we begin at 12, they will be here all the day and will get their pay for nothing. Taking all these things into consideration, 3 o'clock seems to me to be the best time for our Council meeting. We get the just amount of work from our civilian friends, we meet the convenience of our brothers in the trade and commerce, we also look to the convenience of our mufassal members. As for Kai Dr. Haridhan Dutt Bahadur, he is a medical man, and he generally works till late in the evening, and it will make no difference to him if we close at 7. And my friend Babu Amulya Dhone Addy who is a merchant will not find this hour inconvenient.

Maulvi YAKUINUDDIN AHMED: I beg to submit that the hour fixed at present is convenient to a large number of members—specially the mufassal members who come by the Darjeeling Mail and reach Calcutta at 11-30 A.M. Therefore it is very convenient to them to attend at 3 o'clock. If instead of that, the hour is fixed at 11 A.M. or 12 noon, it would be most convenient to the mufassal members who come by the Darjeeling Mail. I repeat again that the hour, that is already fixed, is convenient and it does not militate against the religious observances of my Muhammadan friends if it be held earlier. Two-thirty is, I think, the same as 3 o'clock: half-an-hour does not make any difference. Therefore, I think the hour that has been found convenient to the Calcutta members and to the merchant members would be convenient to others also, especially to the members who come from the mufassal by the Darjeeling Mail.

Babu KISHORI MOHAN CHAUDHURI: I think we should accept the suggestion made by the Hon'ble Sir Henry Wheeler. As a mufassal member, I think we should not overlook the convenience of our Calcutta friends. I make the suggestion in view of the notice of the resolution given by Mr. Forrester. At present the Calcutta members do not get anything and over and above that, if we ask them to make sacrifice it would be very hard on them and unreasonable too on our part. Nowadays we have to close at 6-30 often for want of a quorum. Therefore, if we can fix the time at 2-30 to 6-30—practically in this arrangement we may rise at about 6 P.M. for the convenience of the Muhammadan friends—it will suit the whole House. As it is, we should accept the suggestion so that it might not be inconvenient to our Calcutta friends. For the mufassal members it is immaterial whether we sit at 3 or 2-30, and even if we sit at 11 or 12, to my mind, it makes very little difference. The only convenience to the mufassal members is that it may be possible for some of them to catch the Darjeeling Mail or any other train that may be convenient to them and go home when the sitting is closed for good, otherwise it is of no use. So in that view of the fact, as I have already stated, we should accept the suggestion of my friend, the Hon'ble Sir Henry Wheeler. Under these circumstances I hope the House will agree to the suggestion.

Khan Bahadur Maulvi EMADUDDIN AHMED: To me it appears that the hour fixed already suits almost all the members of the House. It has now been suggested that it will be convenient to fix it at 2-30 to 6-30, but I may be permitted to point out that after prayer there is a very little time left for sitting. After we re-assemble at about 6 p.m. there remains half an hour after prayer—even less than that sometimes. I think the present hour is all right and if we change it then there will be inconvenience and probably the Council will have to be closed at 6-30. Under these circumstances I think the hour fixed is quite all right.

Rai Dr. HARIDHAN DUTT Bahadur: I am not at all surprised to find that Babu Surendra Nath Mallik has been roused up to exercise his most extraordinary power to find a motive in all things. We are aware of the microscope and telescope of very high powers, but my friend Babu Surendra Nath Mallik must be endowed with an extraordinary or perhaps, superhuman power to discover motives. But I can assure you that when I came to this Council I had not the slightest idea of moving this resolution. When I found that my friend Mr. Tarit Bhusan Roy was absent I asked permission to move it, and I may assure my friend that I moved it with very great diffidence and I had no motive in moving it.

Babu SURENDRA NATH MALLIK: I accept that.

Rai Dr. HARIDHAN DUTT Bahadur: My friend Mr. Addy has pointed out that 15 or 16 members of the Corporation would be inconvenienced if the hour is not changed. This is quite true and I do not think that to be a member of the Corporation and at the same time to serve the country as a member of this Council is a very objectionable thing. If these municipal commissioners are actuated with a desire to serve both the Corporation as well as the Council, I hope our friends will meet them in a sympathetic spirit. It is really a matter worthy of our consideration as to whether we should not change the time of the Council in such a way as to remove the inconvenience of 15 or 16 members of this Council. Another point which strikes me is that if we accept the Hon'ble Sir Henry Wheeler's suggestion we have got to come here at 2 o'clock. I put it to my friends here how would they like to come to the Council Chamber at 2 o'clock in these hot days. Would it not be better to leave their homes at 11 o'clock, come down to the shady rooms of the Town Hall, remaining here, enjoying lunch and after the adjournment of the Council at 4-30 return home after enjoying the evening breeze of the maidan?

As regards my friend Babu Nitya Dhon Mukherjee's observations, I do not attach much importance to them, as he always seems to me to be funny and whenever he finds something amusing in a situation he

would dilate upon it and it does not matter to him whether he speaks on this side or on that side. I admit, Sir, that this fixing of time is an extremely knotty matter because whatever time is fixed, that will convenience some members and inconvenience others. But it strikes me that we should take into consideration the *pros* and *cons* of all the suggestions and fix the time which commends itself to the whole House.

The original motion of Rai Nibaran Chandra Das Gupta Bahadur as amended by Mr. Tarit Bhushan Roy was then put and lost.

Maulvi SHAH ABDUR RAUF: May I rise to a point of explanation, Sir? I want to say a few words before the resolution is put before the House. From what has been said by the Hon'ble Sir Henry Wheeler, I think that my choice of time has been an unfortunate one. I think that is the time which would interfere with the lunch of the European as well as of the Indian members. I therefore withdraw my resolution.

The resolution was then, by leave of the Council, withdrawn.

Babu INDU BHUSHAN DUTTA and Babu RISHINDRA NATH SARKAR, by leave of the Council, then withdrew their motions.

Withdrawal of resolutions.

The following resolutions were, in the absence of the members, deemed to be withdrawn:—

SHAH SYED EMDADUL HAQ: "This Council recommends to the Government that the number of holidays granted for the Muham-madan festival *Id-ul-fitr* be extended from two to four days."

Rai RADHA CHARAN PAL Bahadur: "This Council recommends to the Government that the non-official members of this Council be authorised, in respect of jails situated in their respective districts, to inspect them from time to time and report upon the conditions of prison life of persons convicted for offences of a political character, with special reference to the complaints and grievances, if any, of individual prisoners."

Mr. TARIT BHUSAN ROY to move, by way of amendment, that in motion No. 49, after the word "districts" the following be inserted, namely:—

"and that the elected members for any Calcutta constituency be similarly authorised in respect of any jails where any political offenders convicted in Calcutta may be imprisoned."

Babu JOGENDRA NATH ROY: "This Council recommends to the Government that section 38, Chapter V, of the Bengal Village Self-Government Act, 1919, be so amended—

- (i) as to make the union boards fix the annual union rate not higher than Rs. 42 for one person liable to the rate; and
- (ii) that the words 'to be protected' be added after the words 'circumstances and properties' in the said section."

Abolition of the post of the Director of Public Health Laboratory.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that "this Council recommends to the Government that the newly sanctioned post of the Director of Public Health Laboratory be abolished and that the saving thereby effected be utilised towards rural water-supply, and that the laboratory be placed either under the Director of Public Health as before or under the Professor of Hygiene of the Tropical School."

The laboratory of the Sanitary Department, Government of Bengal, was originally started in 1905 or so on a small scale to help Dr. Fowler who was specially appointed to investigate the working of the septic tank installations in Bengal. Subsequently it was enlarged and reorganized in 1910 with chemical and bacteriological sections in charge of their respective assistants on a salary of Rs. 150 to Rs. 250. The work of the laboratory appears to consist entirely of examination of water, septic tank effluents and food-stuffs. The entire analytical work of the laboratory is being carried on entirely by the assistants themselves. The control of the Sanitary Commissioner is limited to purely administrative matters and to forwarding the reports on the various analysis carried out in the laboratory. Since the passing of the Food Adulteration Act a number of chemical assistants have been taken for the purpose of analysing food-stuffs. The work done under the Food Adulteration Act is under the entire control and supervision of the senior chemical assistant who has also been appointed as an analyst for the purpose. He is responsible for all the chemical analysis of the food-stuffs and issues certificates for the same in his own name. The entire analytical work of the laboratory is being carried out by the respective assistants themselves and that the work of the officer controlling the laboratory is purely nominal. The laboratory work has been going on in its way satisfactorily for the past 16 years and in several annual reports the Sanitary Commissioner has specially commended the good work done at the laboratory.

Now there does not seem to be any necessity for bringing in a highly paid officer on Rs. 2,500 or so per mensem for supervising the work of the laboratory, especially as several Deputy Sanitary Commissioners have recently been appointed and also a highly paid officer, Professor of Hygiene, is to be appointed in connection with the School of Tropical Medicine. It seems there is more money than we can find means to spend.

For a part of the work at present done by the Sanitary Commissioner it is proposed to have two additional officers, on Rs. 2,500 or so, namely, (1) the Director, Public Health Laboratory, and (2) Professor of Hygiene, School of Tropical Medicine. But, surely there cannot be sufficient work for two new high officers. It appears to me desirable, and no doubt this Council will agree with me, that the recently sanctioned post of the Director of Public Health Laboratory be abolished and that the saving thereby effected, Rs. 30,000 to Rs. 24,000 a year, be utilised for the provision of water supply to the smaller towns of Bengal.

With these observations, I commend my resolution for the acceptance of the Council.

Khan Bahadur Maulvi WASIMUDDIN AHMED: Under the present system, we find that more money is expended in rubbing and oiling than in actually feeding the people. The resolution moved by Rai Mahendra Chandra Mitra Bahadur is directly on the point. There also we find that Government in its anxiety to help the people have devised some means and created some posts for finding out some truth and ascertaining some data. Of course their value depends on their practical use on the people and not simply on finding out some new facts and figures. So it would serve more useful purpose if the knowledge already acquired by some officers, the Director of Public Health, etc., be extended to the mufassal and applied to the amelioration of the condition of the mufassal people, in that case this money would be better utilised than in spending for the purpose of finding out a new data. Therefore, I whole-heartedly approve the resolution moved by Rai Mahendra Chandra Mitra Bahadur.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjee): We have just reorganised this department and the work of this department is daily increasing in consequence of the increased demands made in respect of the analysis of food, and I am sorry that my friend should put forward a recommendation of this kind at the present moment. I will just give you the figures. In 1919, the figures were 1,700 for analysis and now the figures are nearly 4,000 and the work is increasing—about 3,000 in excess of what it used to be and then the standard of unadulterated food-stuffs is now being worked out and thus additional work will be thrown upon the department. It then seems to me that it would be weakening the Health Department altogether if my friend's motion were accepted. The work is growing and it is bound to grow. Then the cases of bacteriological examination are increasing. They come from all parts of the mufassal; I do hope that under the circumstances, my friend will agree not to press his motion. We are watching the operations of this particular office, but it seems to me that there is not the slightest possibility of our being able to dispense with the services of the Director

of Public Health Laboratory for his services are likely to grow with the increase of work of the department.

Rai MAHENDRA CHANDRA MITRA Bahadur: I have listened to the statement of Sir Surendra Nath Banerjea. I have given my reasons why I have come with a resolution which I have the honour of moving. My object simply is this and this only—we should reduce the charges as far as possible. No other motive would have persuaded me to come to the Council with a resolution like this. Sir Surendra Nath Banerjea says that the work is increasing and the fact is based upon figures and that there is no expectation of reducing the work of this particular officer. Now the question has assumed a grave aspect. I do not for a moment think, that if the officer be relieved, the work will suffer. I press for the consideration of the Council that for many, many years, that is for about 16 years, the work did go on smoothly. Sir, whatever may be the state of things when the Hon'ble Minister tells us that he would watch and see and try his best as far as possible to solve the question that I have raised, I do not like to press my resolution at this stage, as I can get the information from him from time to time and I would come to know how far I was justified in coming to the Council with the resolution and, if it is necessary, I will move another resolution to the same effect. I have not abandoned that idea as yet, but I must take the word of the Hon'ble the Minister who is in charge of Sanitation and who takes so much interest in it. I therefore withdraw the resolution.

The resolution was then, by leave of the Council, withdrawn.

Withdrawal of resolutions.

The following resolutions standing in the names of Maulvi Azaharuddin Ahmed and Rai Jogendra Chunder Ghose Bahadur, respectively, were in the absence of the members, deemed to be withdrawn:—

“This Council recommends to the Government that in every high English and middle English school, and in every junior madrasah in Bengal, arrangements be made for the teaching of technical and medical subjects in addition to the curriculum now in force.”

“This Council recommends to the Government that quinine be supplied free to all charitable dispensaries and sold at every post-office in Bengal in limited quantities at cost price.”

The following resolution standing in the name of Dr. Hassan Suhrawardy was, in the absence of the member, deemed to be withdrawn:—

“This Council recommends to Government that a small committee of official and non-official elected members of this Council, including at least one medical man, be appointed to inquire into the circumstances and truth or otherwise of the alleged assault by the police, after the arrest of Mr. Chiraranjan Das, the son of Mr. G. R. Das.”

Rai Dr. HARIDHAN DUTT Bahadur: May I be permitted to move the resolution in place of Dr. Suhrawardy?

The Hon'ble Sir SURENDRA NATH BANERJEA: I rise to a point of order.

The DEPUTY-PRESIDENT: I am afraid you cannot move it. You are too late.

Pay and allowances of officers.

Babu KISHORI MOHAN CHAUDHURI: I move that "this Council recommends to the Government that the higher authorities be moved to sanction the stopping of payment of half of the increment in pay and allowances granted to the covenanted and uncovenanted officers of all services in Bengal under the recommendation of the Public Services Commission, until financial conditions improve."

These increases were granted, so far as I remember, during the year 1919-20 and some portions in 1921 also. The question of financial difficulties arose since the year 1919. At that time the Government ought to have considered whether they were in a position to grant these increments. But they did not do so. I am sorry that, at this time when every one is clamouring for more increments and special consideration on account of high prices of food and clothing, I should have to move a resolution of this nature, but circumstances have obliged me to do so.

In November last, in reply to a question of mine, it was shown that about Rs. 35 or 36 lakhs were granted as increment of pay and allowances in accordance with the recommendations of the Public Services Commission. I put another question to ascertain what was the increment granted on account of the economic pressure, and I got a reply—I do not touch that portion because the beneficiaries are men of limited income. So I thought it proper that if any economy could be effected under this head, it was reasonable that we should see if anything could be done in the higher services.

When the Meston Committee considered the question of the division of funds, so far as I have been able to see, it was not pointedly brought to their notice that the increments of pay and allowances would place the finances of Bengal in a difficult position. I believe that aspect of the question did not then strike the Bengal Government. There was some correspondence after the recommendations of the Meston Committee were submitted. I can trace one submitted by the Hon'ble Sir Surendra Nath Banerjea and another by Mr. Marr. In these letters it was not pointedly shown that this increase of pay, ect., would really mean a heavy deficit. The Meston Committee took it that Bengal's capacity for spending would be about Rs. 1 crore and 4 lakhs. Out of this, Rs. 63 lakhs was taken as the contribution to the India Government and Rs. 41 lakhs only was granted to the Provincial Government. The finances of the Government

of Bengal were really in deficit. I believe, however, that the Government would not have granted the increments at this time, knowing full well that it would be very difficult to find out money. If there was a mistake made by the Meston Committee, I think that it should be remedied. We are trying our best to secure more money and consideration from the India Government, and, if necessary, by taxation. So having regard to our difficult situation it would be a better and reasonable course to stop the payment, and so I have proposed that only half of the increments granted should be stopped for some time until our financial conditions improve; up to that time it is essential that we should stop the payment; if we do this there will be a saving of over Rs. 17 lakhs a year. That would be a fairly large sum and it could be more usefully utilised in other directions. It is no doubt a great hardship to the covenanted service as the members have to spend a good deal of money in educating their children and maintaining their families at home. The cost of living has, to be sure, risen. But our point of view should also be taken. The deficit, at the time of the division of funds, ought to have been properly calculated; if it was not done then it should be at least done now.

What were the requirements of the province and what were the revenues available to the province, I have not been able to trace in any letter submitted by the Government of Bengal to the Meston Committee. I really fail to understand why it was thought that this Government could afford to set apart Rs. 1 crore and 4 lakhs for increased expenditure in other directions. It was the accepted policy of the Committee that the division should not be made in such a way as to compel the local Governments to go into taxation in the very beginning of the era of the Reforms. If that was the idea, a mistake must have been made in estimating the real situation of the province. I believe, I am not wrong in saying that the question of what these increases would cost us and in what way our finance would be affected thereby, was not seriously taken into consideration; otherwise that aspect of the question would have been placed before the Committee, not incidentally but by a calculation of what the actual state of things would have been. If that was not done, I take it that it was a mistake and if, in our mistaken view, we granted increments to the service, I say that that mistake should now be rectified so far as we can. I do not mean to cut off the entire increments but only half of it only up to such time as our finances are restored to a favourable condition when we can properly remunerate public servants. Under this impression and with this view I say that it would be a reasonable step to take.

We have three Bills now under consideration and if we can pass them we may expect to have Rs. 1 crore and 50 lakhs or Rs. 1 crore and 40 lakhs. We have got a remission of the Bengal contribution of Rs. 63 lakhs a year to the India Government for 3 years. If after 3 years the remission is withdrawn, and we are forced to pay, even the amount available or collected by fresh taxation will not be sufficient to meet our demands. Of course, we have cut down a good deal of our expenditure, this

year we had to cut it by Rs. 68 lakhs and for next year the proposal is to cut down the normal expenditure to the extent of Rs. 80 or 81 lakhs. Even then there is a deficit of Rs. 20 lakhs and by the taxation Bills we can add at the most Rs. 1 crore and 40 lakhs. That would not be sufficient to cover our requirements if the Government of India wanted their contribution. We expect relief, no doubt, from further taxation Bills, but if those taxation Bills are not passed what would be our position?

For capital expenditure we shall have to enter upon a loan policy, but how can we do so in our present condition when we are faced with a deficit to meet even the ordinary needs of the administration? So far as I remember the Hon'ble Mr. Kerr is under an idea that we require Rs. 11 crores for ordinary expenses; Rs. 6½ crores for establishment and nearly Rs. 1 crore and 70 lakhs for establishment, allowances, etc., so that we require over 8 crores for maintaining our administration; and over and above that we require nearly Rs. 3 crores for education, for the Department of Agriculture and other things. How can we meet them? Our income is only a little over Rs. 9 crores. Even if we get the benefit of the taxation Bills, we cannot go beyond Rs. 10½ crores.

In this state of things I think it would be reasonable to do something by retrenching half of the amount granted for the relief of the highly paid Government servants. I am fully sensible of the hardship this resolution, if passed, would entail upon the Government servants, but we cannot help. We are trying our best not to impose taxation on the people, but I am not urging the stopping of increase of pay, etc., just to get rid of the taxation Bills. My resolution is independent of that idea. Even if we pass the Bills we should curtail the allowances. The members of the Subordinate Educational Department have not been given any grants, but in other departments men who draw big pay have been granted relief and it is in their cases, I think that we should, if possible, make some arrangement. If the portion to be deducted be half of the increment, it will give us a considerable sum of money. If our financial position improves, I do not propose that they should be deprived of the benefits even then.

With this view, I move my resolution which I hope will be submitted to the Government of India. Circumstanced as we are, I think it is a reasonable course to stop a portion of the grant and I hope this House will support me in my resolution.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I heartily support the resolution because last year in my Budget speech I said that the rickety ship of Government had been patched up with such heavy slabs and nails that it is sinking and sink it will unless the Indian Government came to its rescue, and within 12 months we have had to meet a heavy deficit and Government have been obliged to ask the Government of India to be allowed to pass the taxation Bills, and in consequence, we have got on the legislative anvil no less than three taxation Bills

pending the decision of this Council. There has been but one voice in the country with regard to the necessity for retrenchments. Government had no justification for increasing the pay and allowances of the highly-paid officials because there was no lack of candidates either from India or from outside under the old circumstances. Of course, when a family is in affluent circumstances, it is proper that its members should enjoy a little luxury and indulge itself in cream and butter, but when we are met with such a heavy deficit, and are not all a position to give increases of pay to deserving people, it is desirable that the people who are in the enjoyment of high remuneration, high salaries and allowances should make some sacrifice. Of course, this Government have not the power to reduce the salaries of the Indian Service, but they should try their best to get some concession from the India Government. When it has failed to do so, it may be obliged to pass some taxation Bills. It is also proper for this Government to ask the Government of India to allow them to keep a portion of the increase of the pay and allowances in abeyance. Since the inauguration of the Reforms, people at large are saying, "this is nothing but an engine of oppression to grind the bones of the rate-payers with the sanction of a larger number of their popular representatives," and, in the introduction of the fresh taxation Bills, they have found the justification of their statements. The non-co-operators in the mufassal say to them: "This system of Government has been given to you in order to squeeze you tighter and tighter till you have become altogether emaciated."

Of course during the last 12 months we have passed many resolutions for securing some benefit to the people, but most of them had to be postponed for want of money. If the Reforms cannot give any boon or blessings to the people except bringing in fresh taxes, of what use is it to them? The people who understand most, who advocate the Reforms, owe a duty to the people to show that the Reforms have got some real benefit for them. With this object in view, we must have larger savings. Even if our present income is sufficient to maintain the establishment and carry on the ordinary business of Government, yet there are hopes and duties which must be fulfilled. There is no justification for the Reforms if they cannot confer any blessing, any boon on the people. As the people cannot get proper medical treatment during their illness, and pure drinking water, the Government have no justification for bringing in fresh taxation Bills and squeezing the people tighter and tighter.

I think the resolution is a very good one and its recommendation should be carried out. The grant of increases of salaries and allowances should be kept in abeyance until brighter prospects appear in the country.

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Henry Wheeler): This resolution is of a general character, and it purports to give a solution of our financial troubles

of a simple nature, though I cannot but feel a little apprehensive on reading that this reduction in the pay of Government servants is to continue "until financial conditions improve." I strongly suspect that the mover would more correctly express his intention if he said "until the Greek *Kalends*," and in any case it is very easy to interpret these words as practically meaning perpetuity. For instance, suppose next year we are a little better off, it is perfectly easy to say that our financial condition has improved merely because we put on extra taxation; that must be first remitted. Again it is perfectly easy to argue that our financial condition cannot be said to have improved so long as we have so many urgent demands unsatisfied. Therefore I suspect that the resolution can be interpreted in a way which would certainly surprise the unfortunate victims.

The resolution has been supported on general grounds and with general arguments, and I do not propose to enter into a discussion of the details of pay of the various Services involved. It is obviously impossible to do so in the course of one resolution, and details of that kind can only be treated singly as they come up. So far as I can make out, the Services which are covered by this resolution are the Indian Civil Service, the Bengal Civil Service both on the Executive and Judicial sides, the Forest Service, both Imperial and Provincial, the Medical Services, covering the Indian Medical Service and Civil and Military Assistant Surgeons, the Public Works Department on the Imperial and Provincial sides, the Educational Service, including the Indian Educational Service and the Bengal Educational Service, the Commerce Department in respect of Inspectors of Factories and Boilers, and Agriculture, as concerning the Imperial Service and some isolated appointments. The range is obviously a large one, and in so far as reorganisations have been carried out in these Services from varying dates, I think, dating from 1919 onwards, and large sums of money have been drawn by officers on the faith of the orders of the Secretary of State, I take it, it is not intended by the mover that these sums should be refunded. That would be practically inflicting a fine, pure and simple. But if the proposal relates to the future, I submit to the Council that it amounts to a repudiation of our debts and nothing less.

Thus there are very few of us who do not feel the pinch of financial stringency. I can understand any private individual, as doubtless some of us have had to do, saying, "I cannot afford to live on this scale; I cannot keep my motor car or ponies, and must therefore get rid of them." But I cannot understand any private individual who purports to conduct his affairs on honourable lines, saying: "It is perfectly true that I must have my staff of servants to run my business; I cannot get rid of them; it is also perfectly true that I promised to pay them at certain rates; but I am hard-up, and therefore their pay must be cut." If that were done by a private individual it would be stigmatised in rather uncomplimentary terms, and the position is not materially different

action of that kind is suggested to be taken by the State. Again, the mover has suggested that half should be taken. Why stop at half? If money has got to be saved at all costs, and regardless of the method, you might as well take the lot while you are about it. It is well known that the revisions that have been given in respect of these Services in recent years were given after protracted discussions, and in many cases on a consideration of arguments applicable not only to Bengal, but to India as a whole. Most of these Imperial Services are recruited on an all-India basis, and after careful examination, it was agreed that unless we offered certain rates of pay, suitable men could not be recruited, and to the extent that this is so, it is obvious that the present scales could not be lightly brushed aside. Nor is it the case that the increments given to the Imperial Services, taken as a whole, have been in themselves excessive. Comparisons are difficult to make, especially as so many Services are now on a time-scale. Shortly after the increments were given, I had a calculation made in respect of the Indian Civil Service, which proved that on the judicial side, officers were actually losing by this so-called improvement, while taking the Service as a whole, the increments earned by individuals worked out to an absolutely paltry sum. Another point which is worthy of the consideration of the Council, is that apart from the ordinary honourable relations between servant and employer, the Imperial Services have certain statutory rights, and under section 96 (B) of the Government of India Act, every person appointed, before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable." So even were this Council so misguided as to adopt this resolution, and the local Government so misguided as to seek to enforce it, it would only in many cases expose Government to heavy suits for damages.

So much for the Imperial Services.

The case for the Provincial Services is not open to these difficulties under that Act, but equally in their case, the enhancements given have not been excessive, and curiously enough in respect of the Services in which the enhancements were possibly on a better scale than in some others, namely, the Bengal Civil Service on the executive and judicial sides. I would remind the Council that when our orders were brought out, the general trend of criticism against them, which was voiced in this Council or the old one, was that we were treating our officers somewhat ungenerously, and when it was seen that certain other provinces were giving a higher maximum we were criticised on that account.

Therefore, neither in the case of the Provincial Services is there a case for this drastic action, and if we were so unwise as to accept this resolution, what would be the effect of such an act of repudiation either

on the credit of the province or on the feeling among the Services themselves? Why is it only in the case of these Imperial and Provincial services that the arguments of the rise in the cost of living, which is constantly pressed upon us as justifying improved prospects for ministerial officers and menials, is to be ignored? The only argument of Babu Kishori Mohan Chaudhuri is that we are very hard up, and he has worked out a theory to his own satisfaction, that these increments would never have been given at all if the present financial position of the province had been foreseen. That theory is not based upon facts. The improvement of the pay of these Services was overdue; the appointment of the Public Services Commission in itself was overdue, and even after the Public Services Commission submitted its report, its consideration was extraordinarily delayed. I was Home Secretary at the time; and it was under Lord Hardinge's orders that the consideration of the report was held up during the war. Had it not been for this, these increments would have been given to the Services in 1916-17 or 1917-18, and to that extent the Services were deprived of an improvement of their prospects which they had a right to expect. But it is obvious that at that time, the Reforms and their changes were not foreseen by anyone, and this theory that, had it then been known how we stand, these increments would not have been given, is one which will not stand examination. The increments were given, because after inquiry they were held to be justified under the modern conditions of service, and were necessary if we desired to recruit for the Services of the future men of the type who had joined them in the past. In so far as men have been recruited specifically on these terms in recent years, it is obviously impossible now to go back upon them. For these reasons I trust that the resolution is not one which will commend itself to the good sense of the Council.

Babu KISHORI MOHAN CHAUDHURI: I am sorry that my real intention in moving this resolution has been misunderstood. I said that if you have not the means to make these grants, liberal grants, take time, and in the meantime improve your position and then think of continuing this. I know that these recommendations were submitted to the Government of India long ago, but in 1919 there was a change, and this change ought to have been taken into consideration. Without considering our ability to manage, these arrangements were sanctioned; they were necessary no doubt, but at the same time it ought to have been shown to the Government of India that we were not in a position to meet them. That has not been done; you can now do it in two ways, either you can say that the Government of India must grant us more money so that we may be in a position to maintain our household affairs, or we shall have to cut our coat according to our cloth. It is very unfortunate that we are hard pressed, but who is to blame? If we are required to maintain this costly staff, some arrangement should be made. I am not proposing that we should not make these payments at all. My only proposal is

that we should inform the Government of India of our position, and ask either to be allowed to stop these allowances for some time, or that liberal grants should be made to us to enable us to meet them. This is my proposal. The references are necessary for the sake of making our position clear. I do not suggest that officers should be asked to refund money which has already been paid to them, but I only suggest that further payments should be suspended. My proposal is only prospective and not retrospective. If you think that a time-limit is necessary to give effect to my proposal, it can be done by altering the wording of the resolution. When we are financially able to meet these changes, then we can incur the full expenditure. I have no objection to the alteration of the wording of my resolution. Our troubles began from 1919 when these increments were granted; we then saw that our financial position would be worse. I saw the correspondence in which it was strongly urged that Bengal's contribution to the Government of India should not be progressive; the suggestion was that it should be fixed; this suggestion was considered even by the Joint Parliamentary Committee, and it was explained that our position was such that it would be impossible for us to manage without extra taxation, and taxation in the beginning was out of the question in considering the financial settlement. If the Secretary of State thinks that the increments already granted should not be interfered with, and that this would result in hardship, then in some other way we should be helped. If it is thought that my suggestion is a reasonable one, and that we are really not in a position to incur so much expenditure on account of our household affairs, we may be given relief in some other way. Whatever that way may be, I think there would be no harm in submitting this proposal to the Government of India for consideration, so that we should get some substantial relief in some other direction. We should not spend beyond our means, otherwise we shall be bankrupt. We are really in a bankrupt state as we have no money. We have matured some proposals for new taxation, but that is not sufficient to meet our needs. In this state of affairs, it is reasonable that we should submit these considerations to the higher authorities so that they may show us a way to meet them, and tell us what to do in the circumstances. I have not heard in reply anything which would really induce me to withdraw from the position I have taken. I therefore commend my motion for the consideration of the House.

On the motion being put, a division was taken with the following result—

AYES.

Ahmed, Khan Bahadur, Maulvi Wasimuddin.
 Ahmed, Maulvi Azharuddin.
 Ahmed, Maulvi Ras Uddin.
 Ahmed, Munsifi Jafar.
 Ali, Mr. Syed Erfan.
 Ali, Munsifi Asghar.
 Ali, Munsifi Aslam.
 Ali, Munsifi Khondakar.
 Bano, Rai Bahadur Ajines Chandra.

Berna, Rai Sahib Panchnan.
 Chaudhuri, Babu Kishori Mohan.
 Chaudhuri, Rai Harondranath.
 Das, Babu Bhimadev.
 Hussain, Maulvi Muhammad Nadassour.
 Karim, Maulvi Abdul.
 Karim, Maulvi Fazal.
 Khan, Maulvi Hamid-ud-din.
 Makramali, Munsifi.

on the credit of the province or on the feeling among the Services themselves? Why is it only in the case of these Imperial and Provincial services that the arguments of the rise in the cost of living, which is constantly pressed upon us as justifying improved prospects for ministerial officers and menials, is to be ignored? The only argument of Babu Kishori Mohan Chaudhuri is that we are very hard-up, and he has worked out a theory to his own satisfaction, that these increments would never have been given at all if the present financial position of the province had been foreseen. That theory is not based upon facts. The improvement of the pay of these Services was overdue; the appointment of the Public Services Commission in itself was overdue, and even after the Public Services Commission submitted its report, its consideration was extraordinarily delayed. I was Home Secretary at the time; and it was under Lord Hardinge's orders that the consideration of the report was held up during the war. Had it not been for this, these increments would have been given to the Services in 1916-17 or 1917-18, and to that extent the Services were deprived of an improvement of their prospects which they had a right to expect. But it is obvious that at that time, the Reforms and their changes were not foreseen by anyone, and this theory that, had it then been known how we stand, these increments would not have been given, is one which will not stand examination. The increments were given, because after inquiry they were held to be justified under the modern conditions of service, and were necessary if we desired to recruit for the Services of the future men of the type who had joined them in the past. In so far as men have been recruited specifically on these terms in recent years, it is obviously impossible now to go back upon them. For these reasons I trust that the resolution is not one which will commend itself to the good sense of the Council.

Babu KISHORI MOHAN CHAUDHURI: I am sorry that my real intention in moving this resolution has been misunderstood. I said that if you have not the means to make these grants, liberal grants, take time, and in the meantime improve your position and then think of continuing this. I know that these recommendations were submitted to the Government of India long ago, but in 1919 there was a change, and this change ought to have been taken into consideration. Without considering our ability to manage, these arrangements were sanctioned; they were necessary no doubt, but at the same time it ought to have been shown to the Government of India that we were not in a position to meet them. That has not been done; you can now do it in two ways, either you can say that the Government of India must grant us more money so that we may be in a position to maintain our household affairs, or we shall have to cut our coat according to our cloth. It is very unfortunate that we are hard pressed, but who is to blame? If we are required to maintain this costly staff, some arrangement should be made. I am not proposing that we should not make these payments at all. My only proposal is

that we should inform the Government of India of our position, and ask either to be allowed to stop these allowances for some time, or that liberal grants should be made to us to enable us to meet them. This is my proposal. The references are necessary for the sake of making our position clear. I do not suggest that officers should be asked to refund money which has already been paid to them, but I only suggest that further payments should be suspended. My proposal is only prospective and not retrospective. If you think that a time-limit is necessary to give effect to my proposal, it can be done by altering the wording of the resolution. When we are financially able to meet these changes, then we can incur the full expenditure. I have no objection to the alteration of the wording of my resolution. Our troubles began from 1919 when these increments were granted; we then saw that our financial position would be worse. I saw the correspondence in which it was strongly urged that Bengal's contribution to the Government of India should not be progressive; the suggestion was that it should be fixed; this suggestion was considered even by the Joint Parliamentary Committee, and it was explained that our position was such that it would be impossible for us to manage without extra taxation, and taxation in the beginning was out of the question in considering the financial settlement. If the Secretary of State thinks that the increments already granted should not be interfered with, and that this would result in hardship, then in some other way we should be helped. If it is thought that my suggestion is a reasonable one, and that we are really not in a position to incur so much expenditure on account of our household affairs, we may be given relief in some other way. Whatever that way may be, I think there would be no harm in submitting this proposal to the Government of India for consideration, so that we should get some substantial relief in some other direction. We should not spend beyond our means, otherwise we shall be bankrupt. We are really in a bankrupt state as we have no money. We have matured some proposals for new taxation, but that is not sufficient to meet our needs. In this state of affairs, it is reasonable that we should submit these considerations to the higher authorities so that they may show us a way to meet them, and tell us what to do in the circumstances. I have not heard in reply anything which would really induce me to withdraw from the position I have taken. I therefore commend my motion for the consideration of the House.

On the motion being put, a division was taken with the following result—

AYES.

Ahmed, Khan Bahadur, Maulvi Wasimuddin.
 Ahmed, Maulvi Azharuddin.
 Ahmed, Maulvi Razi Uddin.
 Ahmed, Munshi Jafar.
 Ali, Mr. Syed Erfan.
 Ali, Munshi Asghar.
 Ali, Munshi Asghar.
 Arshaduddin, Maulvi Khondakar.
 Banerjee, Rai Bahadur Abhinav Chandra.

Barnes, Rai Sahib Panchnanan.
 Chaudhuri, Babu Kishori Mohan.
 Chaudhuri, Rai Harindranath.
 Das, Babu Bhimadav.
 Hossain, Maulvi Mohammed Modasser.
 Karim, Maulvi Abdul.
 Karim, Maulvi Fazul.
 Khan, Maulvi Hamid-ud-din.
 Sakramani, Munshi.

Mitra, Rai Bahadur Mahendra Chandra.
Mitra, Dr. Jatindra Nath.
Mukharji, Babu Satish Chandra.
Mukherji, Professor S. C.
Naskey, Mirza Muhammad Ali.
Nasker, Babu Hem Chandra.

Rauf, Maulvi Shah Abdur.
Roy, Babu Nalin Nath.
Roy Chaudhuri, Kishu Saitaja Nath.
Salam, Khan Bahadur Abdus.
Sarkar, Babu Jogesh Chandra.
Suhrawardy, Mr. Huseyn Shaheed.

NOES.

Ahmed, Khan Bahadur, Maulvi Emaduddin.
Ahmed, Maulvi Yakuinuddin.
Banerjee, the Hon'ble Sir Surendra Nath.
Biss, Mr. E. E.
Bose, Mr. S. M.
Chaudhuri, the Hon'ble the Nawab Salyid
Nawab Ali, Khan Bahadur.
Das, Mr. S. R.
De, Babu Fanindralal.
DeLisle, Mr. J. A.
Duval, Mr. H. P.
French, Mr. F. C.
Ghose, Rai Bahadur Jegendra Chunder.
Goede, Mr. S. W.
Hephkyns, Mr. W. S.
Huntingford, Mr. C. T.
Hug, Maulvi Ekramul.
Kerr, the Hon'ble Mr. J. H.
Khatlan, Babu Devi Prasad.
Khan, Maulvi Md. Rakue Uddin.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.

Law, Raja Reshee Case.
Mitter, the Hon'ble Mr. P. S.
Mukharjee, Babu Nitya Dhen.
Mulliek, Babu Nirode Bahary.
Poddar, Babu Keshoram.
Rahsem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ul-
Ray, Kumar Shib Shekharaswar.
Ray Chaudhuri, Mr. Krishna Chandra.
Ray Chaudhury, Raja Manmatha Nath.
Ray, Manaraja Bahadur Kahaunish Chandra.
Roy, Mr. Bijay Prasad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manliell Singh.
Sinha, Babu Surendra Narayan.
Spry, Mr. H. E.
Stephenson, Mr. H. L.
Suhrawardy, Dr. Hassan.
Swan, Mr. J. A. L.
Travers, Mr. W. L.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.

The Ayes being 30 and the Noes 43, the motion was lost.

Summonses and Notices in Civil suits.

Babu SATISH CHANDRA MUKHARJI: " This Council recommends to the Government that early steps be taken to introduce service of summonses and notices in all civil suits, appeals and execution matters by registered post in place of the existing service of such summonses and notices by peons."

This resolution to my mind concerns zamindars, merchants and the poor, all alike, and my object in moving it is to reduce the costs in litigation, the harassment to the litigant public and to lessen the oppression of the poor. It is a well-known fact that these peons often get tips, and these tips vary according to the journey they have to perform in the service of these summonses, and if this gratification is not paid to them, the result is that they cause much annoyance and harassment to the litigant public. In this way a simple rent suit often takes 2 years to be settled because if there are 8 or 10 defendants, and if they live in several places, it is impossible to get a decree and to get such a small suit disposed of quickly. If my resolution be accepted, all this trouble would be avoided. In insolvency cases at present this procedure is adopted, and all notices to the creditors are served by registered post. Even in cases where returns are satisfactory but the defendants do not appear in contested cases, the judiciary have made it a practice of issuing registered

post cards to ensure that processes have been served. This shows that the judiciary have great faith in the service of notices by registered post. So I submit that it is high time that the old practice of serving summonses through peons should be done away with, and in its place the service by registered post adopted. This will shorten delay which is sometimes caused in the administration of justice. So I submit that this resolution be accepted by the Council. If legislation is necessary, I do not think there would be any difficulty in carrying it through. So I submit that a case has been made out for the adoption of the procedure suggested in my resolution in place of the old one.

Babu DEVI PRASAD KHAITAN: I beg to move an amendment to this resolution that in motion No. 57, for the words "in place of" the words "as an alternative or in addition to" be substituted. As amended the resolution would run as follows: "This Council recommends to the Government that early steps be taken to introduce service of summonses and notices in all civil suits, appeals and execution matters by registered post as an alternative or in addition to, the existing service of such summonses and notices by peons."

There are two reasons which have impelled me to move this amendment. The first one is that if the resolution, as it stands, be accepted, there will be necessity of amending the Civil Procedure Code. The Civil Procedure Code at present provides primarily for service of summonses and notices through peons and as an alternative it prescribes that these processes can be served by registered post. Sir, if the words be that service by registered post should be introduced in place of the existing service of such summonses by peons, the result will necessarily be that this resolution cannot be carried into operation without an amendment of the Code of Civil Procedure. The second reason is this: that there are places at which it would be more convenient to serve these legal processes by means of peons instead of through registered post; for example, distant villages, villages in which there is not a satisfactory arrangement of postal service. The best method of service of legal processes is that at present adopted by the Small Causes Court; there the practice is that when a suit is filed a post-card is at once sent to the defendant, and the defendant at once knows what date is fixed and the hour of the suit, and if there is any manoeuvring in the service of summons on the defendant, the defendant, being cognizant of the date and hour of the suit, goes to the court, makes inquiries, gets a copy of the plaint, enters an appearance and files a written statement. The reason why Babu Satish Chandra Mukharji has introduced this resolution is primarily to get rid of the disgust caused by the non-service of summons when the return made is that the summons had been actually served. Some years ago, before the recent innovation was adopted by the Calcutta Small Causes Court, a person sitting in his house found himself at once arrested on a writ of warrant without any service of summons or of the

notice of execution, and the first knowledge he had of the suit was that the bailiff came and arrested him. It was that reason that impelled the Small Causes Court in Calcutta to adopt the salutary practice of first sending a post card and then serving the writ of summons. Courts have the authority of serving legal processes through registered post; under the Civil Procedure Code in cases in which the party who has to get legal processes served, but thinks that it would be very expensive or it would be very inconvenient to have the process served through a peon, the Court has the right to order service of the process by means of registered post. In some cases, this practice has been followed by the Calcutta High Court. Unfortunately, this practice has not been followed to that degree to which it ought to have been by the other Courts; and therefore I hope that this House will accept my amendment in order to impress upon the judiciary that this is an alternative method which can be followed and sometimes it can be done in addition so that the defendant or other party upon whom a notice has got to be served may get due notice of the suit on action or motion against him.

Raja RESHEE CASE LAW: The object of the resolution is to simplify the procedure for service of summonses and notices, etc., in civil suits. The present procedure of the Code of Civil Procedure for the service of summonses, etc., is to effect personal service wherever possible on the identification of the party who takes out the process. If service by the post-office is to be substituted for the present method of service, and the identification of the postal peon be substituted for that of the parties, it will leave a wide door open for fraud; at the same time considerable difficulties would arise if the fact of the service be disputed. The postal peon, in that case, will have to be examined. If the postal peon in the meantime be dismissed or transferred to other districts, then the difficulties of the parties may be better imagined than described, because the parties would have to resort to the post-office for service of processes upon the transferred or dismissed peon to secure his attendance in Court to give his evidence, and the result would be a considerable loss of time in the adjudication of suits even of small value. Even if the processes be really served, the parties would not fail to take advantage of such uncertainty in the service. Moreover such a system would give rise to many corruptions in the postal service. The difficulty of postal service would be the more where *'purdanashin'* ladies and illiterate men are concerned. In their cases the objections would be either non-service of processes or fraud. No doubt postal service is an easy method of service, and the proposal for the introduction of such a method of service was made before; but after considering the *pros and cons* of such service, it was not adopted by the Legislature. I therefore object to this resolution.

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): I regret that I am unable to

accept either the resolution which has been moved by Babu Satish Chandra Mukharji or the amendment proposed by Mr. Khaitan. The question raised is one of great difficulty, every one who is familiar with the business of the courts knows that the question of proper and efficient service of summons and other processes is responsible for a great deal of litigation; and if one could avoid all this litigation by the simple process of posting a letter to the address of the defendant or the respondent, it would be a very great boon indeed to the country. To find a solution of these difficulties, the High Court has framed elaborate rules assisted by advisory committees composed of experienced lawyers; for it is the function of the High Court to decide what rules are appropriate for the service of processes. Many difficult questions of law have arisen in connection with the service of processes and the High Court has, from time to time, devoted its attention to the best way of solving the difficulties. But I am afraid the remedy is not so simple as is supposed by the mover of the resolution or by Mr. Khaitan; Raja Reshee Case Law has very succinctly and clearly pointed out some of the main difficulties in the way of adopting the suggestions.

The courts require that, in the first instance, whenever practicable, the service must be personal and every means should be exhausted by the court to see that personal service cannot be effected before ordering substituted service. One of the difficulties always experienced by Judges is as to when substituted service should be ordered. The law does in certain cases contemplate service by registered post, but the courts often hesitate a great deal for the reasons which have been explained by Raja Reshee Case Law in ordering such service; and I think the Council should not take upon itself the responsibility of recommending that service of processes should ordinarily be by means of registered post. If you post a letter at one end, you have still to prove that the letter got to its destination and no end of difficulties arise there. It would be a risky thing to lay down that service of processes should ordinarily be by means of postal letters. Mr. Khaitan has cited the case of the Calcutta Court of Small Causes and of the practice in the Original Side of the High Court; but the conditions of Calcutta are very different from those in the mufassal. Here also, the court requires that service should be personal as far as possible. I think therefore that the matter cannot be dealt with in a summary way by a resolution of this Council and I would strongly advise the Council not to accept the resolution.

Babu SATISH CHANDRA MUKHARJI: The remarks made by the Hon'ble Sir Abd-ur-Rahim show that the matter is not so simple as it appears to me, but the difficulty is an additional ground, it seems to me, that the experiment should be made. Mr. Khaitan has suggested an amendment and it seems to me that no great harm would be done in accepting his suggestion. The amendment shows that it is an alternative measure which might be adopted at the discretion of the court. I

will illustrate my point by an example. In a case, there might be several defendants some of whom might be residing in distant places. In such a case, the practice is to issue a summons to those places, perhaps two or three hundred miles away and the summons is served by peons who are sent to these places. It sometimes happens that they do not serve the summons. So if Mr. Khaitan's amendment be accepted, much difficulty will be avoided and the courts will be the best judges in the matter. The men on the spot will exercise their discretion. I think therefore that my resolution, as amended by Mr. Khaitan, if adopted by the Council, will reduce the cost of litigation and embarrassment to the litigant public and also shorten litigation.

The DEPUTY-PRESIDENT: Do you then accept the amendment proposed by Mr. Khaitan?

Babu SATISH CHANDRA MUKHARJI: Yes.

The motion, as amended by Babu Debi Prasad Khaitan, was then put and lost.

Withdrawal of resolution.

The DEPUTY-PRESIDENT: I understand that Mr. Bijoy Prasad Singh Roy has withdrawn the following motion:—

“ This Council recommends to the Government that in filling up vacancies among the sergeants in the Calcutta Police, Indians of respectable parentage, good character and education be henceforth appointed, till the number of Indians be 50 per cent of the total strength of sergeants in the Calcutta Police.”

Recruitment to Subordinate Judicial Service.

Mr. HUSEYN SHAHEED SUHRAWARDY: “ This Council recommends to the Government that a representative committee be appointed to frame rules under section 7 (2) of the Bengal, Agra and Assam Civil Courts Act, 1887 (XII of 1887), for recruitment to the subordinate judicial service so as to secure adequate representation for all important communities.”

I feel no hesitation in moving this resolution though I must confess I tread on dangerous ground, but with a certain degree of sympathy from my Hindu brethren, a certain amount of generosity, a certain amount of justice tempered with mercy, I think that the task of all will be considerably lightened. I make no bones of the matter that this resolution has been inspired by the shocking disparity which was revealed by a question asked in this Council by Mr. Syed Erfan Ali on the 6th April, 1921, in the number of Hindu munsifs and munsifs of other communities. The number, as far as I remember, was 293 as against 14, 5 of whom are officiating. This disparity is so great that it cannot be

explained by the brilliant attainments of Hindu vakils or by their preponderating numbers in the profession, or even by the fact that their forbears were previously in the judicial service, or their sponsors were men of rank and eminence. Intrinsically, there must be something wrong in the way these appointments have been made. They appear to a large extent to have been guided by accidents and not by rule. Surely there is no member here, except one fanatically inclined, who will say that the number represents a just proportion, or that no effort should be made so as to secure conditions as may make for better justice, and a more reasonable rule in the matter of appointments. Under sub-section 1 of the Act, it is the High Court that dominates and the Government is compelled to appoint those whom the High Court has nominated. Under section 2, it is open to the Government, in consultation with the High Court, to frame rules for appointment, if it desires to do so and my request is that rules be so framed as to make for better communal representation. The Committee of the High Court, I understand, consists of one judge, who, eminent though he is, cannot possibly do justice between communities if the principle itself is wanting. I am merely asking that the rules be so framed as to make for better communal representation. Drawn as the incumbents will be from the same ranks as heretofore, the cause of justice will not suffer, and if we acknowledge that in the matter of appointments, purest justice of the abstract type is never effected, I see no reason why attention should not be paid to the clamant needs of other communities for the perquisites of State appointments. Government has pursued a policy to a large extent of appointing men of both the communities in a certain proportion, and one sees no reason why in this department as well, the cause of justice not being impaired, the same attention should not be paid to communal interests. For again, I put it to the members, that the figures clearly reveal an unjust state of things and must be rectified at the earliest possible opportunity, so that all communities may participate, where they desire to do so, and where they have shown themselves worthy of it, in the administration of the country, even in the judicial department. I can assure the members that it does not please me to press forward Muhammadan claims. I would far rather that Hindu members realising the justice of our claims supported it with better grace; I can assure them that, desiring as I do to consider all as Indians, I do not wish to accentuate the differences which makes them members of different communities. But we cannot ignore the hard facts of existence. Public services form for the present and will form for some time to come the sole avenue for a large section of the educated community, and give rise to certain advantages of competency, leisure and means, which no community can ignore, however exalted its patriotism. For let us lay down as an unassailable proposition that the nation can only rise out of mutual forbearance between the two communities, which is only possible when both are equally strong, self-respecting

and mutually respecting, which is only possible when both participate equally in the administration of the country; and to my mind, a time will come and will come soon, if you do not push back other and weaker communities, when there will be no need for this insistence and all communities will march side by side, equally strong, equally efficient, towards a stronger and a united India. I would therefore request my Hindu brethren, if they grant the Muhammadans certain rights commensurate with their ability, with their importance, with their needs, consonant with justice and equity, to support this request which will give to other communities what is their due, and which, under the existing arbitrary system of choice, they cannot secure. I would request the Government too to accept this resolution which attempts to move a just grievance, which Government itself has recognised in the departments which are directly under its control.

The Hon'ble Sir ABD-UR-RAHIM: I can at once say on behalf of the Government that we have every sympathy with the object underlying this resolution. Government have attempted, wherever possible, to give effect to the principle that the important communities of this province should be adequately represented in the public services; hitherto, no doubt, the position of Muhammadans in the public services of Bengal, generally, has not been adequate having regard to their number. But, at the same time, it has to be recognised that in the matter of education, until lately, they have been backward and that is one important reason why they do not occupy the same position in the public services as their Hindu brethren. So far as this particular resolution is concerned, while the Government has every sympathy with its object, it must be made clear, as the mover of the resolution has himself admitted, that the Government only makes appointment of persons who are selected or nominated by the High Court. The High Court in a matter of this nature is the best judge as to the qualifications required for these appointments. The figures which have been cited by the mover are extremely deplorable, but at the same time, it must be remembered that the number of Muhammadan qualified candidates for appointment in the judicial service has been limited and, so far as I can recollect, only a small proportion of these candidates were rejected. There are 14 Muhammadans, I believe, now in the judicial service, or something like that number, but within the last three or four years, I believe, almost all the eligible Muhammadan candidates except two or three were accepted by the High Court. The question however, has been brought more than once to the notice of the High Court and the Government is inclined to hope that the High Court will, in making selections for appointment to this service, give every consideration to the need for better representation of the Muhammadan community in that service.

With regard to the specific suggestion for the appointment of a committee I may tell the mover that the selection does not lie with one Judge only but that the Selection Committee of the High Court is

composed, I think, of three learned Judges who make the selections and their selections, I believe, are scrutinised by five Judges. The names are then sent to the Government for appointment. The question of appointing a representative committee not perhaps in the sense intended by the mover but a committee in which, for instance, the Bar might be properly represented, was considered, but it was held that it would not be desirable to introduce outside element into a committee of this nature. That is the position. At the same time, I ought to say, on behalf of the Government, that we are conscious of the fact that in the judicial service the Muhammadan element is very meagre and whenever properly qualified candidates are forthcoming that element ought to be made stronger.

As regards the rules, I may tell the Council that new rules are at present being framed in consultation with the High Court and the point under discussion has also been taken into consideration; but there are difficulties, as I have said, in framing the rules in the manner suggested by the mover. I am therefore unable to accept the specific suggestion made in the resolution, but I can assure the House once again that the Government has every sympathy with the object of this resolution and will try its best to meet the wishes of the mover.

Mr. HUSEYN SHAHEED SUHRAWARDY: May I ask the Hon'ble Member if he has received any assurance from the High Court that the claims of the Muhammadans will be considered in making future appointments?

The Hon'ble Sir ABD-UR-RAHIM: The High Court is prepared to say that whenever suitable Muhammadan candidates are available their claims will be duly considered.

Mr. HUSEYN SHAHEED SUHRAWARDY: That scarcely satisfies me, because the High Court will not say that it has turned away any suitable Muhammadan candidates. To my knowledge, Sir, Muhammadan candidates of a certain degree of suitability and eminence, such candidates as who has passed the B.L. examination in the first division, have been turned away and preference given to Hindu candidates who had passed in the second division. I do acknowledge, however, that the condition of the Muhammadans as far as education is concerned has been deplorable, but surely the figures 293 against 14, are not a true index of the degree of deplorability. I do not acknowledge that Muhammadans are so very inferior to their Hindu brethren as to be represented by 293 against 14. I do not acknowledge again that the High Court is the best judge for the purpose. The Hon'ble Member has said that the committee is composed of five Judges, but it is an open secret, known to every candidate who has sought an appointment in the judicial service, that it is only one Judge who makes these appointments, and the committee of three or

five Judges making the selections is a mere farce. If there was a committee of the whole High Court, as there is in Madras, to make the selections, that would no doubt have been satisfactory. But as conditions stand at present, I press this resolution, because I want the hall-mark of this Council to the effect that communal representation be given adequate consideration in the rules that are being framed. The Hon'ble Member has said that rules are being framed and that communal representation forms a certain item of it, but there are difficulties; and I want the hall-mark of this Council that we are anxiously desirous that communal representation be given adequate consideration. I am therefore unable to withdraw the resolution.

The motion was then put and carried.

Assistant Secretary, Judicial Department.

Rai HARENDRANATH CHAUDHURI: "This Council recommends to the Government that the Assistant Secretary, Judicial Department, be recruited from the ranks of the Bengal Civil Service (Judicial)."

The resolution only asks for a small mercy and demands only a bare act of justice which has been denied to the members of an important branch of the Bengal Civil Service, viz., the Judicial.

It may be in the recollection of this House that last year owing to "the increase of work due to the Reform Scheme and the need of freeing the Secretary from having to do purely routine work" the post of an Assistant Secretary in the Judicial Department was created and that an undergraduate Deputy Magistrate was appointed to the post in preference to some well-qualified candidates from the Judicial branch of the service. The names of these candidates were—

The Hon'ble Sir ABD-UR-RAHIM: I rise to a point of order. Are we considering the merits of the candidates?

Rai HARENDRANATH CHAUDHURI: I am referring to the other candidates only to point out that well-qualified members of the judicial service also applied for the post so that no such reply might be given hereafter that there were no candidates from the judicial service.

The names of the other candidates with the statement of their qualifications, as given by the Government, are Babu Ananga Mohon Lahiri, B.L.B., a senior munsif, Babu Madhu Sudan Roy, B.L., a munsif with excellent record as a settlement officer, and Babu Asutosh Mitra, M.A., B.L., another munsif. Under such circumstances there were, as it was natural, adverse comments in the press and even some moderate papers very unfavourably criticised the appointment. The Council was also not slow to inquire why such was the case and Sir Asutosh Chaudhuri pointedly asked in last August why, in spite of the fact that there were already three Assistant Secretaries from the

members of the executive service and none from the ranks of the judicial service, a deputy magistrate was appointed as Assistant Secretary in the Judicial Department. The Hon'ble Member in charge was pleased to reply that "a deputy magistrate has been appointed as the post requires administrative experience of a character which a member of the executive service has opportunities of acquiring." Now, Sir, this is a reply which can justly be resented by all the members of the Provincial Judicial Service. It is a reply which brands them inferior as a class and roundly declares them unfit for Secretariat work. It is a reply which ignores that it is they who administer the whole civil administration in subdivisions and sometimes on promotion even in districts. It is a reply which, to say the least of it, robs Peter to pay Paul.

But there are other considerations too—considerations to which I have referred before and which ought to weigh with those who will attempt to understand the full significance of such a resolution—the full measure of the inequity of the present arrangement. Sir, there are now four Assistant Secretaries to the Government—all selected from the members of the Provincial Executive Service and none from the ranks of the judicial service. "Administrative experience of a character, etc." are no doubt convenient phrases which can make up for want of University certificates, and I do not deny their utility, but certainly catch-phrases should not create close-preserves nor shibboleths a monopoly.

Lastly, I should request all to consider if judicial experience and service can be considered as a disqualification for Secretariat work in the Judicial Department. Whatever else may be the duties of the Secretary or the Assistant Secretary of this Department, certainly experience of judicial work and knowledge of the requirements of that service cannot be an unnecessary qualification. On the contrary, only a member of the judicial service can be well-equipped and well-fitted for the post. If not, and if a member of the Provincial Judicial Service is unfit to discharge even the "routine work" of the Secretary of that department why, considering the better opportunities to acquire administrative experience, should not a District Magistrate be appointed to the post of the Secretary of the Judicial Department and one who has served as a District Judge and performed judicial duties should be appointed instead? But probably I forget that there is the hall-mark of the Indian Civil Service.

Now to sum up, my arguments are: in the first place, why should not ~~one~~ post of Assistant Secretary out of the four, now manned by officers of the executive branch, be thrown open to the members of the Provincial Judicial Service? Next, whether the post of the Assistant Secretary of the Judicial Department is not a post which the members of the judicial service can justly claim? And thirdly, whether service in the judicial line can at all be a disqualification for the post?

With these few words, Sir, I beg to move my resolution.

five Judges making the selections is a mere farce. If there was a committee of the whole High Court, as there is in Madras, to make the selections, that would no doubt have been satisfactory. But as conditions stand at present, I press this resolution, because I want the hall-mark of this Council to the effect that communal representation be given adequate consideration in the rules that are being framed. The Hon'ble Member has said that rules are being framed and that communal representation forms a certain item of it, but there are difficulties; and I want the hall-mark of this Council that we are anxiously desirous that communal representation be given adequate consideration. I am therefore unable to withdraw the resolution.

The motion was then put and carried

Assistant Secretary, Judicial Department.

Rai HARENDRANATH CHAUDHURI: "This Council recommends to the Government that the Assistant Secretary, Judicial Department, be recruited from the ranks of the Bengal Civil Service (Judicial)."

The resolution only asks for a small mercy and demands only a bare act of justice which has been denied to the members of an important branch of the Bengal Civil Service, viz., the Judicial.

It may be in the recollection of this House that last year owing to "the increase of work due to the Reform Scheme and the need of freeing the Secretary from having to do purely routine work" the post of an Assistant Secretary in the Judicial Department was created and that an undergraduate Deputy Magistrate was appointed to the post in preference to some well-qualified candidates from the Judicial branch of the service. The names of these candidates were—

The Hon'ble Sir ABD-UR-RAHIM: I rise to a point of order. Are we considering the merits of the candidates?

Rai HARENDRANATH CHAUDHURI: I am referring to the other candidates only to point out that well-qualified members of the judicial service also applied for the post so that no such reply might be given hereafter that there were no candidates from the judicial service.

The names of the other candidates with the statement of their qualifications, as given by the Government, are Babu Ananga Mohon Lahiri, L.L.B., a senior munsif, Babu Madhu Sudan Roy, B.L., a munsif with excellent record as a settlement officer, and Babu Asutosh Mitra, M.A., B.L., another munsif. Under such circumstances there were, as it was natural, adverse comments in the press and even some moderate papers very unfavourably criticised the appointment. The Council was also not slow to inquire why such was the case and Sir Asutosh Chaudhuri pointedly asked in last August why, in spite of the fact that there were already three Assistant Secretaries from the

members of the executive service and none from the ranks of the judicial service, a deputy magistrate was appointed as Assistant Secretary in the Judicial Department. The Hon'ble Member in charge was pleased to reply that "a deputy magistrate has been appointed as the post requires administrative experience of a character which a member of the executive service has opportunities of acquiring." Now, Sir, this is a reply which can justly be resented by all the members of the Provincial Judicial Service. It is a reply which brands them inferior as a class and roundly declares them unfit for Secretariat work. It is a reply which ignores that it is they who administer the whole civil administration in subdivisions and sometimes on promotion even in districts. It is a reply which, to say the least of it, robs Peter to pay Paul.

But there are other considerations too—considerations to which I have referred before and which ought to weigh with those who will attempt to understand the full significance of such a resolution—the full measure of the inequity of the present arrangement. Sir, there are now four Assistant Secretaries to the Government—all selected from the members of the Provincial Executive Service and none from the ranks of the judicial service—"Administrative experience of a character, etc." are no doubt convenient phrases which can make up for want of University certificates, and I do not deny their utility, but certainly catch-phrases should not create close-preserves nor shibboleths a monopoly.

Lastly, I should request all to consider if judicial experience and service can be considered as a disqualification for Secretariat work in the Judicial Department. Whatever else may be the duties of the Secretary or the Assistant Secretary of this Department, certainly experience of judicial work and knowledge of the requirements of that service cannot be an unnecessary qualification. On the contrary, only a member of the judicial service can be well-equipped and well-fitted for the post. If not, and if a member of the Provincial Judicial Service is unfit to discharge even the "routine work" of the Secretary of that department why, considering the better opportunities to acquire administrative experience, should not a District Magistrate be appointed to the post of the Secretary of the Judicial Department and one who has served as a District Judge and performed judicial duties should be appointed instead? But probably I forget that there is the hall-mark of the Indian Civil Service.

Now to sum up, my arguments are: in the first place, why should not one post of Assistant Secretary out of the four, now manned by officers of the executive branch, be thrown open to the members of the Provincial Judicial Service? Next, whether the post of the Assistant Secretary of the Judicial Department is not a post which the members of the judicial service can justly claim? And thirdly, whether service in the judicial line can at all be a disqualification for the post?

With these few words, Sir, I beg to move my resolution.

Rai MAHENDRA CHANDRA MITRA Bahadur: I beg to support the resolution of my friend. In connection with the appointment of the Assistant Secretary, Judicial Department, the claims of the members of the Judicial Service ought not to be neglected. It cannot be said that the persons who are in the judicial service are not in a position to manage the Secretariat work. If we go a little beyond, and if we discuss the question at length, we will notice that those who are in the executive service did receive their training in the Secretariat before they were considered to have any knowledge of Secretariat work. If they are in the mufassal, they are not in a better position to understand how the work goes on in the Secretariat. Consequently, the same argument applies with regard to the members of the judicial service. It is therefore a complaint on the part of the members of the judicial service that their claims ought to be considered by Government. Now those officers who have been appointed Assistant Secretaries were recruited from the same class of the educated people of the country, and consequently you ought not to make a distinction between them and without further trespassing upon the time of the Council, my submission is that the merits of the resolution ought to be considered.

Babu KISHORI MOHAN CHAUDHURI: I heartily support this resolution. In fact, when I put the question to which my friend has just referred, I then hoped that the matter would attract the attention of the Hon'ble Sir Abd-ur-Rahim and justice would be done to the department. It is practically a question of communal representation. A particular service is suffering—out of the four appointments none is held by the Judicial Branch of the service. It is only reasonable that that service should get at least a reasonable proportion of the appointments in the Secretariat. I hope that the matter will receive adequate consideration at the hands of Government.

The Hon'ble Sir ABD-UR-RAHIM: I am afraid there is a great deal of misconception as regards this question. One who does not know the Secretariat arrangements is apt to fall into a mistake as the mover of the resolution and Rai Mahendra Chandra Mitra Bahadur and Babu Kishori Mohan Chaudhuri have fallen. It is a mistake to think that this post is intended merely as that of an Assistant to the Judicial Secretary. That is not the case. I wish to make it clear to the House that apart from the designation of the post, the Assistant Judicial Secretary has to work in the General Department; he has to deal with cases not only of the Judicial Department but also of the Appointment, Police and the Political Departments, and as a matter of fact, I can assure the House that the Assistant Judicial Secretary's time is more occupied in the work of the General Department—Political and Police—than in the Judicial Department. It is the name that is rather misleading. The officer's duties are of a general character. They

are not confined to the Judicial Department at all. When the appointment was created, I myself thought that it was an appointment which ought to be entirely for the Judicial Department, and when it was found that there was not enough work for an Assistant Secretary in this Department, but that an Assistant Secretary was required in order to deal with cases not only of the Judicial Department but also of the Political and Police Departments, it was for that purpose that this post was created and not solely for the Judicial Department. Then, so far as the officer's work in the Judicial Department is concerned, the House may take it from me that it is not of a judicial character at all: it is purely administrative work for which no judicial qualifications are required. I do not suggest for one moment that an officer performing judicial duties is disqualified by that fact from holding the appointment, and I do not even suggest that he will not as creditably hold the post, as a member of the executive service, but the fact remains that the duties pertaining to this appointment are in no sense of a judicial character, but purely administrative. In the case of a munsif he will not bring to bear upon the office any particular experience which will have a special value in the work of this department, and besides, as I have said, although the designation of the office is that of Assistant Secretary in the Judicial Department, he is as much an officer of the Appointment Department as of the Judicial Department. Then, if Rai Harendranath Chaudhuri had read the whole of my reply, he would have found that it was not the intention of Government to debar the judicial service from the appointment—it is open to the judicial service as well as to the executive service, and in fact to outsiders as well. Of course, I am not discussing the question of selection—that is not before the House, all that I say is that the judicial service is not debarred from an appointment of this kind. I also pointed out in that very reply that in the case of munsifs it would hardly be an advantage either to the gentlemen themselves or to the Secretariat. It is no good having a man as Assistant Secretary only for a short time. He has to acquire experience and his usefulness increases with experience, and therefore it is desirable, in the case of an appointment of this nature, that the incumbent of the office should be able to spend a fair and substantial portion of his service in the Secretariat. If you take a man away from judicial work, say a munsif, whose whole-time is devoted to trying cases, you put him in the Secretariat where he has to do administrative work pure and simple, not only in the Judicial Department but also in the other departments; he will have nothing to do with the trying of cases and his knowledge of the law will seldom be utilised or revived during the term of his office. Supposing he spends 4, 5 or 7 years in the Secretariat, will it be a gain to the judicial service when he reverts to that service? To take away a man from judicial work and to put him on altogether different work and then to send him back to the judicial work will not be doing a good service to the

judicial service or to the individual; on the other hand, it will be doing both a very poor service indeed. So far as the officer himself is concerned, he cannot be expected to stay very long in the Secretariat. The Subordinate Judges go up to Rs. 1,200 by incremental promotion, and therefore it would not be worth while for any munsif to stay in the Secretariat for any length of time where he cannot expect to get more than Rs. 600 to 800. So the result will be that after some time the munsif will have to go back as a Sub-Judge, and as such he will be vested with unlimited jurisdiction to try all kinds of cases. Would that be right? I myself was at first very much inclined to appoint a munsif, but taking all these matters into consideration, I came to the conclusion that it would be better to take a man from the executive service.

It has been again said that this is a grave injustice to the judicial service. How can there be any injustice to the judicial service? If the mover knew the present conditions of the judicial service he would have known that there are considerable prospects in the service itself and I do not see how by not appointing a man from that service to the Secretariat it would be doing harm to the Service. I therefore cannot accept the resolution.

Rai HARENDRANATH CHAUDHURI: The reply that has been given by the Hon'ble Member in charge is not at all convincing. He says that the Assistant Secretary of the Judicial Department has got to work in the General Department—well, that may be the case but he has got to perform the "routine work" of the Judicial Secretary also. And even if what the Hon'ble Member says that the post of the Assistant Secretary of the Judicial Department is a misnomer and if the Assistant Secretary has got to work in the General Department also, is that an answer why a well-qualified munsif cannot be appointed to the post? The Hon'ble Member has said that he does not mean that the members of the judicial service are unfit, but what else the refusal to throw open even one such post to them can mean except a denial of their capacity and fitness, I fail to understand?

The DEPUTY-PRESIDENT: The question is not that some of the Assistant Secretaries should be recruited from the judicial service, but your resolution wants that the Assistant Secretary, Judicial Department should be recruited from the judicial service.

Rai HARENDRANATH CHAUDHURI: My point is that I refer to the fact only as an argument to strengthen my case. When the Hon'ble Member has said that it will not be worth while to appoint a man from the judicial service because in time he will have to revert to his original line and the administration of justice may suffer in his hand.

Now such an answer is either pointless or can be given probably because nobody cares nowadays for the purity of the administration

of criminal justice. For if administration of civil justice can suffer at the hands of a member of a judicial service because of his work in the Secretariat for a certain period then the administration of criminal justice may likewise suffer in the hands of a Deputy Magistrate who after his work in the Secretariat reverts to his original line.

The Hon'ble Member has further observed that it is not the intention to debar the members of the judicial service from appointment to such posts. But if facts have anything to do with intention, they certainly prove the contrary. And to the argument of the Hon'ble Member that no grave injustice has been done to the judicial service, all that can be said in reply is that certainly it is the purest justice not to give even one of the four posts of Assistant Secretary to the members of that service and fill up all the four appointments by Deputy Magistrates.

On the motion being put, a division was taken with the following result:—

AYES.

Banerjee, Rai Bahadur Abinash Chandra
Shattacharji, Babu Hem Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Rai Harendranath.
Das, Babu Bhismadev.
Ghose, Rai Bahadur Jogendra Chunder.
Mitra, Rai Bahadur Mahendra Chandra.

Maitra, Dr. Jalindra Nath
Mukharji, Babu Satish Chandra.
Nasker, Babu Hem Chandra.
Ray, Kumar Shib Shekhareswar
Ray Chaudhury, Raja Manmatha Nath.
Roy, Raja Manilal Singh.

NOES.

Ahmed, Khan Bahadur, Maulvi Emaduddin.
Ahmed, Khan Bahadur, Maulvi Wasimuddin.
Ahmed, Maulvi Yakuinuddin.
Banerjee, the Hon'ble Sir Surendra Nath.
Biss, Mr. E. E.
Chaudhuri, the Hon'ble the Nawab Saiyid
Nawab Ali, Khan Bahadur.
Das, Mr. S. R.
DeLisle, Mr. J. A.
Duval, Mr. H. P.
French, Mr. F. C.
Ferrester, Mr. J. Campbell.
Goode, Mr. S. W.
Hephkyns, Mr. W. S.
Huntingford, Mr. G. T.

Huq, Maulvi Ekramul.
Hussain, Maulvi Muhammad Madassur.
Karim, Maulvi Fazlul.
Kerr, the Hon'ble Mr. J. H.
Khan, Maulvi Md. Rahque Uddin.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.
Mitter, the Hon'ble Mr. P. C.
Nakey, Mirza Muhammad Ali.
Pugh, Colonel A. J.
Rahim, the Hon'ble Sir Abdur.
Roy, Maharaja Bahadur Kshaunish Chandra.
Spry, Mr. H. E.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.

The Ayes being 13 and the Noes 29, the motion was lost.

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 23rd February, 1922, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 23rd February, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, three Hon'ble Members of the Executive Council (the Hon'ble the Maharajadhiraja Bahadur of Burdwan being absent), the Hon'ble the three Ministers, and 81 nominated and elected members.

Unstarred Questions

(answers to which were laid on the table).

" Khaddar."

183. Babu HEM CHANDRA BHATTACHARJI: (a) Is the Hon'ble the Member in charge of the Department of Commerce aware that a new variety of cotton fabric known as *khaddar* has come into the Calcutta market?

(b) If so, can the Hon'ble the Member state whether the said fabric is the product of indigenous industry?

(c) Is it a fact that a large quantity of *khaddar* is imported from abroad, but is sold as having been made in India?

(d) If the answer to (c) is in the affirmative, are the Government considering the desirability of putting a stop to this malpractice and fraud?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. J. H. Kerr): (a) Yes

(b) It is believed to be

(c) and (d) Government have no information on the subject but any specific complaints of malpractice or fraud will be investigated by the proper authorities.

Homestead and agricultural lands.

184. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state what proportion homestead lands bear to agricultural lands in the rural area of each of those districts in which survey and settlement operations have been finished?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): A statement is laid on the table showing the percentage of homestead lands to agricultural area in each of those districts in which survey and settlement operations have been finished. No separate figures for "rural" and "urban" areas are available.

Statement referred to in the reply to unstarred question No. 184

Name of district.	Agricultural area (acres)	Homestead (acres)	Percentage of homestead lands to agricultural area
		B	
Pakarganj ...	1,553,376	95,073	6.12
Faizpur ...	1,196,622	90,185	7.53
Dacca ...	1,304,861	87,069	6.61
Mymensingh ...	2,660,806	145,900	5.48
Tippura ...	1,303,567	68,875	5.28
Noakhali ...	719,967	38,424	5.33
Jalpaiguri ...	684,747	22,414	3.27
Midnapore ...	1,994,374	64,138	3.21

Increase in fares on Baraset-Basirhat Light Railway.

185. Rai HARENDRANATH CHAUDHURI: (a) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether any representation has been received from the daily passengers in the Baraset and Basirhat Light Railway from the villages of Rajarhat, Langolpota, etc., in the district of the 24-Parganas setting forth certain grievances with regard to the increase in fares of monthly tickets?

(b) If so, what steps, if any, have been taken or are being taken with reference to the representation?

(c) Is it a fact that the fares per mile charged on the third and inter class single tickets by the said Light Railway are in comparison much higher than those of other Railways?

(d) Is the Hon'ble the Minister aware that the capital cost of the Baraset and Basirhat Light Railway is much less than those of the other railways?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS
(the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur):

(a) Yes.

(b) The statements contained in the representation have been inquired into, and the subject is under consideration.

(c) The maxima inter and third class fares on the Baraset-Basirhat Light Railway are not higher than those on other Light Railways in Bengal.

(d) Of the eight Light Railways in Bengal, the capital cost per mile of four is higher, and of three is lower, than that of the Baraset-Basirhat Light Railway.

The member is invited to refer to the Administration Report for the year 1919-20 entitled "Railways in India," published by the Superintendent of Government Printing, in which he will find much useful information relating to the Light Railways in Bengal.

Supply of longer trousers to Moslem prisoners.

186. SHAH SYED EMDADUL HAQ: (a) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state whether longer trousers have been given to the Muhammadan prisoners in accordance with the Government order No. 6516 R.J., of the 29th July, 1921?

(b) If the answer to (a) is in the affirmative, will the Hon'ble the Member be pleased to state from what date such trousers have been supplied?

(c) If they have not yet been supplied, will the Hon'ble the Member be pleased to state when they are likely to be supplied?

(d) Is the Hon'ble the Member aware that notices of resolutions recommending the privilege was given by me during July and August last?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS]
(the Hon'ble Sir Abd-ur-Rahim): (a) and (c) Yes, they have been supplied to prisoners in all the jails except those at Khulna and Bogra which will get the supply very shortly.

(b) They have been supplied to the jails on various dates, beginning from the 8th August, 1921.

(d) Yes.

Bath-room of Munsiff's quarters at Patuakhali.

187. Maulvi FAZLAL KARIM: (a) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether

it is a fact that each bath-room of the Munsif's quarters at Patua-khal in the district of Bakarganj cost Rs. 1,000?

(b) Will the Hon'ble the Minister be pleased to lay on the table a statement showing the estimates and dimensions and the quantity of materials used for the construction of these bath-rooms?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (a) No. The bath-room for each of the four residences cost Rs. 174.

(b) Copies of the sanctioned estimates and plans of each of the bath-rooms are laid on the Library table. These contain the information asked for. The difference between the cost of the bath-room as stated in (a) above and the cost of the work as carried out is accounted for by the varying length of the drains and of the screen walls provided in each residence in addition to the bath-room.

Strengthening the cadre of Bengal Judicial Service.

188. Maulvi FAZLAL KARIM: (a) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether the cadre of the Bengal Civil Service (Judicial) will be strengthened before the expiry of the current financial year by the addition of three Subordinate Judges and twenty Munsifs for whom express provision was made in the current budget?

(b) If the answer to (a) is in the negative, will the Hon'ble the Member be pleased to state the reason therefor?

(c) Will the sanction of the Secretary of State for India in Council be necessary for this strengthening of the cadre?

(d) If so, will the Hon'ble the Member be pleased to state the section of the Government of India Act which requires such sanction?

(e) Will the Hon'ble the Member be pleased to state—

(i) the date of the letter in which the sanction of the Government of India to the proposed addition to the cadre was first sought and the date of the reply of the Government of India thereto; and

(ii) how many letters passed between the Government of India and the Government of Bengal on this subject since the vote of the Bengal Council in March last?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (a) No.

(b) The question is still under discussion between this Government, the Government of India and the High Court.

(c) No.

(d) The question does not arise.

(e) (i) and (ii) No.

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(a) Yes.

(b) The statements contained in the representation have been inquired into, and the subject is under consideration.

(c) The maxima inter and third class fares on the Baraset-Basirhat Light Railway are not higher than those on other Light Railways in Bengal.

(d) Of the eight Light Railways in Bengal, the capital cost per mile of four is higher, and of three is lower, than that of the Baraset-Basirhat Light Railway.

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(b) The question is still under discussion between this Government, the Government of India and the High Court.

(c) No.

(d) The question does not arise.

(e) (i) and (ii) No.

Resolutions

(under the rules for the discussion of matters of general public interest).

Withdrawal of resolutions.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): The following resolutions standing in the names of Maulvi Shah Abdur Rauf and Maulvi Muhammad Abdul Jubbar Pahlowan are, in the absence of the members, deemed to be withdrawn:—

“ This Council recommends to the Government that the road connecting Ishurdi railway station and the town of Pabna, which is at present maintained by the district board of Pabna, be provincialised to allow motor companies to ply their lorries and cars along this road without any possible interference by the district board in future.”

“ This Council recommends to the Government that the Government of India be moved with a view to abolish the customs duty on jute.”

Appointment of Honorary Surgeons and Physicians in Hospitals.

Dr. JATINDRA NATH MOITRA: “ This Council recommends to the Government (i) that immediate steps be taken to employ non-official qualified Indian medical practitioners as honorary surgeons and physicians to all hospitals containing more than 100 beds for Indians or where there is an average daily attendance of more than 100 outdoor patients; (ii) that the numerical strength of the honorary visiting staff be determined by a mixed committee of officials and non-officials; (iii) that facilities be given to them for the proper performance of their duties; (iv) that a committee be appointed to draw up rules and regulations for their guidance, and (v) that these posts be filled up by open advertisements.”

The reasons that have prompted me to bring this resolution for your kind consideration and acceptance aim at removing a legitimate grievance of the people of this country and also that of the independent section of the medical profession in Bengal.

Taking the former into consideration, I shall base my argument on the published report on Hospitals in 1920 by the late Surgeon-General F. O’Kinealy. You will find that amongst a total population of 46,653,177 only 5,056 hospital beds were provided for or one bed in a population of 9,187. If we exclude Calcutta, which is somewhat more fortunate, we find only one bed in a population of 16,177. I shall quote the Surgeon-General who says, “ all our hospitals are more or less overcrowded. The Surgical side of the Campbell Hospital has been badly congested in recent years and extra accommodation was urgently needed.”

The financial difficulties of the Government at present will not allow us to entertain the idea of meeting the demand for an increase in the number of beds. But if we increase the number of staff by taking the help of honorary surgeons and physicians in these overcrowded hospitals we will be able to decrease the time of average stay of the patients in the hospitals by adequate and prompt attention to them.

You will find from the same report that in Calcutta there were 23 medical institutions where 482,110 patients were treated and of these 41,824 were in-door patients and 440,286 were out-door patients. Of these 23 hospitals, only the following hospitals provide more than one hundred beds:—

- (1) Medical College Hospital—Medical side and Surgical side
- (2) Eden Hospital for women,
- (3) Presidency General Hospital,
- (4) Campbell Hospital,
- (5) Sambhunath Pandit Hospital,
- (6) Mayo Hospital,
- (7) Carmichael Medical College at Belgachia,

and of these, the Presidency General Hospital is meant for Europeans only, and the Carmichael Medical College is already being worked by non-official members of the medical profession and consequently my resolution does not touch them.

In the mufassal out of 794 hospitals, there are only three which provide more than 100 beds, viz., the Howrah General Hospital, Burdwan Fraser Hospital and Dacca Mitford Hospital.

I shall not waste the time of this Council by giving details of all these hospitals, but I shall confine my remarks to the premier Medical College and the premier Medical School of Bengal and shall show you that even in these hospitals where the staff can be considered to be fairly sufficient, what an enormous pressure of work is thrown on their shoulders. In the Calcutta Medical College Hospital—medical section, In-door there was a daily average number of over 273 patients and these patients were supposed to be attended to by only two visiting physicians, one being the Principal of the Medical College who has got other duties in the hospital during his visiting hours. Granting that these two gentlemen are punctual in their attendance between the usual hours of 8 A.M. and 11 A.M. as required by the rules, you will easily find that each of them has got to attend 45 in-door patients in course of one hour! He must be a bold man who will say that no patient is neglected in this hospital, the best managed of them all in Bengal. Coming to the surgical side what do we find? The daily average number of patients in this side was over 142 and there are only two visiting surgeons to look to their welfare, to give clinical lectures to the students and also to perform important surgical operations which even in their expert hands take at least one hour a day out of the two or three hours which they spend in the hospital. In other

words in the course of an hour or two, each visiting surgeon is expected to perform a feat of attending 71 important surgical cases under them or leave them to the care of their subordinates. Is it to be wondered at that patients often complain of not seeing the face of their surgeons sometimes for days together?

Now to the Eden Hospital in the same year 1920, the average daily number of in-door patients was over 127 and there is one visiting surgeon only who has to perform important obstetrical operations and also some office duties in addition to looking after the needs of the patients which include women in labour. Can any one—even with superhuman intelligence and capacity for work—perform the duties of such onerous nature in the brief space of two or three hours honestly and conscientiously?

The premier Medical School in Bengal, viz. the Campbell Medical School, provides 627 beds and the average daily attendance in the in-door reached over 580 patients under the care of six assistant surgeons who devote 2 hours a day in the hospital or roughly 50 in-door patients an hour. Is any comment necessary?

The position of the out-door hospital is far worse and in the brief space of 2 hours or so you have sometimes to dispose of nearly fifty new cases and 100 old cases. It is not unnatural for the public to give vent to their feeling of dissatisfaction about this in the public press, in gramophone records or party pantomimes to show the inadequacy of hospital attention and I trust the Government will see its way to accept my resolution.

The need of providing honorary surgeons in the hospitals has long been under discussion between the Imperial Government and the Hon'ble Secretary of State for India and I shall read extracts from the despatches of the past Secretaries of State in this connection. In the despatch No. 137 (Military), dated the 9th August, 1907, Lord Morley addressed a letter to His Excellency Lord Minto in which his Lordship quoted despatch No. 5 (Military) and Public No. 157, dated the 13th December, 1900, of Lord George Hamilton, the then Secretary of State who said—

It would be to such a great benefit to India generally that medical men should establish themselves in private practice in the same way as they do in other parts of Her Majesty's Empire without entering the medical service connected with the Army that I am unwilling to accept proposals based upon the assumption that sufficient medical qualification will never be found in or elsewhere outside the Indian Medical Service.

Later on His Lordship says that this measure has his hearty support.

His Excellency Lord Minto went a step further. In His Excellency's despatch in reply to the above, thus writes His Excellency Lord Minto—

We are in entire sympathy with the desire to promote the growth of an independent medical profession in India, and we recognise the important bearing upon this question of Lord George Hamilton's suggestion that advantage should be taken of the creation of new medical appointments to provide for the admission of independent practitioners either to the new appointments or to some of the posts which are regarded as reserved for members of the Indian Medical Service.

Later on, His Excellency says, "and we shall also be prepared to appoint qualified medical gentlemen outside the ranks of the Indian Medical Service to other posts which are not required for the employment of the War Reserve of Medical Office."

The resolution that stands in my name wants the utilisation of the honorary services of the qualified non-official Indian practitioners in the overcrowded hospitals and I believe I have been able to convince you of the real need of additional appointments of surgeons and physicians to cope with the work. This resolution will also satisfy the aspiration of these practitioners to some extent, although I hail the day when every department of the Government will be self-contained, and no recruits will be necessary from foreign countries. The institutions that I have referred to supply an abundance of clinical material and allow opportunities of systematic investigation which are so necessary for all works of a highly technical nature and private practitioners feel a keen disappointment when they find that they have no knowledge and skill to gain from these clinical materials of their own countrymen. The Government realised this and threw out some appointments of honorary surgeons and physicians in the Sambhu Nath Pandit Hospital, the Mayo Hospital and the Howrah General Hospital, and the Surgeon-General reports that they worked satisfactorily and recommended an extension of their scheme to all hospitals where extra hands are required.

This is also my idea in bringing forth my resolution and on hospitals, whether in Calcutta or in the mufassal, where there is a sufficient number of beds or there is a sufficient out-door attendance, should be deprived of the services of those amongst the private practitioners who are rightly regarded as in no way less sufficient than the present incumbents.

In conclusion, Sir, I have only one word to add, i.e., my resolution, unlike many others, will not add to the financial embarrassment of the Government of Bengal, but on the other hand, will be a source of relief to several patients and satisfaction to the deserving private practitioners of the province, whom I personally regard as in no way inferior to the officers of the Indian Medical Service.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjee): I may say at once that I am in deep sympathy with the object of the resolution which is to widen the scope of employment of Indian medical practitioners as honorary surgeons and physicians in our hospitals. The arguments which the mover has brought forward are convincing. He has quoted from figures that the attendance in our hospitals, where there are in-door beds, is very large, that the hospitals are overcrowded, that the number of doctors is inadequate, and that Government has not got the requisite funds. Under the circumstances, it seems to be the imperative duty of Government to avail itself of the services of honorary

surgeons and physicians. It is impossible to deny the force of these arguments, and I accept them as sound and convincing.

In England the great hospitals are worked to a considerable extent by honorary surgeons and physicians. They deem it a matter of pride and pleasure to be associated with these institutions for the amelioration of human sufferings and the saving of human lives. I am sure the day will come—it may be near or distant, I hope it is near—the day will come when the medical profession in Bengal will be inspired by similar feelings and when they will deem it their highest duty to lend their unpaid services for the good of their fellow countrymen. My hon'ble friend is inspired by the highest motives, and that being so, it is the bounden duty of Government to approach this resolution in a sympathetic spirit.

The resolution divides itself into two parts. In the first place there is the question of principle and then there are a number of details. So far as the principle of employing Indian medical practitioners as honorary surgeons and physicians is concerned, I unhesitatingly accept it on behalf of Government. This is indeed being tried in some of our hospitals. There is a difference of opinion as to the measure of success which has attended the experiment, but assuming for argument's sake that the experiment has not been as great a success as might have been anticipated or hoped for, we are not to be daunted. I am speaking on behalf of Government by arguments which point to failures. It is through failures that success is achieved. If the experiment, in its initial stages, has not been as promising of success as might have been anticipated, that will not deter us from continuing it when in other countries, it has been productive of an abundant harvest of good. Even therefore, accepting the worst possible view, Government is prepared to carry it on, and persevere to the end. Therefore the first proposition which I desire to lay down is that we accept the principle.

My friend, however, enters into a number of details. All of them I cannot accept. Obviously they cannot be considered by the Legislative Council as a whole, and it seems to me that we have a handy instrument ready at our disposal which might be utilised and effectively utilised for this purpose. We have got the Standing Committee on Public Health. It is the function of that Committee to deal with propositions such as my friend has laid before us. Dr. Moitra himself is a member of that Committee, and we shall have the advantage of his valuable advice in considering the details which he has brought forward. Therefore my suggestion to my friend is that he should withdraw the resolution and I undertake on behalf of Government to lay this resolution before the Standing Committee and to consider the matter and deal with it. There is an advantage which I desire to point out and it is this. If we appoint a committee, it will take months before a decision is arrived at. It has again and again been said in this Council that committees are mostly intended to shelve questions; at any rate, committees do take a

long time in coming to a conclusion. We have two or three committees to which perhaps a remark of this kind would be applicable.

Dr. JAṬINDRA NATH MOITRA: I gladly accept the assurance of the Hon'ble Minister and am willing to withdraw my resolution.

The Hon'ble Sir SURENDRA NATH BANERJEA: I need not prolong my remarks if my friend accepts my assurance and withdraws his resolution.

The resolution was then, by leave of the Council, withdrawn.

Withdrawal of resolutions.

Babu SURENDRA NARAYAN SINHA: I beg to withdraw the following resolution standing in my name:—

“ This Council recommends to the Government that a committee consisting of experts, officials and non-officials, be appointed to report to the Government as to how the condition of the river Bhagirathi can be improved.”

The resolution was then, by leave of the Council, withdrawn.

Maulvi RAFI UDDIN AHMED: I beg to withdraw the following resolution standing in my name:—

“ This Council recommends to the Government that weaving and spinning schools be started at every headquarters of a district.”

The resolution was then, by leave of the Council, withdrawn.

Postponement of resolution.

The DEPUTY-PRESIDENT: Rai Mahendra Chandra Mitra Bahadur has informed me that he will not come to-day, and expressed a wish that the following resolution, standing in his name, may be postponed:—

“ This Council recommends to the Government that a sum of Rs. 2,00,000 be set aside annually for the provision of water supply in rural areas and municipal towns where cholera mortality is very high and that filters of the Faridpore type be installed.”

The above resolution goes to the bottom of the List.

Withdrawal of resolution.

The following resolution, standing in the name of Babu Jōgendra Nath Roy was, in the absence of the member, deemed to be withdrawn:—

“ This Council recommends to the Government that necessary steps be taken to dredge the rivers Brahmaputra, Dhaleswari and Padma as to improve the communication and the drainage in the subdivision

of *Manikganj*, *Munshiganj* and *Narayanganj* and that immediate steps be taken to re-excavate that portion of the canal joining the *Dhaleswari* and *Padma*, which passes by *Shekarnagar* *via* *Srinagar* to *Lohaganj* to make it navigable throughout the year."

Postponement of resolution.

The following resolution, standing in the name of *Shah Syed Emdadul Haq* was, in the absence of the member, and with the permission of the Deputy-President, placed at the bottom of the list:—

" This Council recommends to the Government that all courts and offices of the Government be closed at 3-30 P.M. every day during the month of *Ramzan*, without prejudice to any arrangement that the Government may think reasonable to adopt, as regards earlier hours of the opening of these courts and offices, in the interest of the public service "

Preservation of Tanks.

Babu SURENDRA NARAYAN SINHA: " This Council recommends to the Government that a Committee be appointed to consider and report on the ways and means to preserve the tanks in the rural areas of the Province and frame laws for the purpose "

This resolution aims at meeting the crying need and prime necessity of Bengal for the supply of good drinking water and also, at helping, as far as possible, the irrigation of lands. It is a truism to say that our province abounds in tanks, ponds, wells and other water-courses, etc., and that some of them, according to their sizes, are called *sagars*, *dighies*, etc. In the majority of cases, these tanks are the gifts of generous zamindars and other well-to-do people, who, according to the custom of yore, when charitable institutions, such as *dharamsalas*, tanks, etc., used to be considered a part of religious acts and therefore meritorious, were actuated by such religious impulses and made extensive charities in the form of tanks, wells, etc., for the supply of good and pure drinking water to the locality and to the people in general. Most of these tanks are as old as the hills and they furnish a land-mark, an eloquent testimony of the religious instinct and disposition of the people of Bengal in the past, which was commonly shared by the Hindus and Muhammadans alike, as we still can find many tanks and wells to exist to this day, which are the gifts of the Muhammadan rulers of Bengal. The donors of these tanks and wells have, in the past, consecrated them to the most sacred cause of humanity by making them the source of water-supply to the public. But in these days, most of the old tanks and wells, for the deplorable lack of the spirit of conservation among the people, have, in many places, dwindled and deteriorated and, having been choked up with

rank growth of vegetation and trees, have become quite insanitary and the formidable foci of malarial fevers to the inhabitants, they being breeding-grounds of the anopheles. Once these tanks—in the days gone by—were themselves very picturesque and delightful to look at—full of blue crystal and limpid waters with the blue vault reflecting and with swans and ducks playing on their bosom and their banks echoed and re-echoed with the playful mirth of the village children who used to gather there. In those days every tank, pond, lagoon, well, river and creek was filled with healthy and life-giving water and they never dried up; they also distributed health and plenty to the people and rendered the country flowing in milk and honey and contentment. But alas! those happy days have gone by. To whatever cause or causes it may be attributed, the rivers, creeks, tanks and wells have, to the utter misfortune of the country, silted and dried up leaving Bengal absolutely waterless and the people, in consequence, are confronted with the dreadful scarcity of drinking water. Now, it has become one of the gravest and serious problems which it is not easy to grapple with. If, however, these rivers, tanks, creeks, and wells, etc., be reclaimed, deepened and re-excavated, then, and then only, the problem of drinking water in rural areas may, to an appreciable extent, be removed and at the same time the causes of malaria somewhat checked though not altogether banished.

These tanks and waterways when reclaimed and re-excavated will help to facilitate irrigation of lands in *rahr* areas, where it is solely depended upon for their crops. But I have been able to gather from my tour in the interior of the *rahr* areas, I have personally seen in places many tanks which had silted up to an extent to have been converted into arable lands for growing crops by the village people, thus making it impossible for these tanks to be re-excavated and to be used for drinking and irrigation purposes. If such encroachment upon the prospect of providing water-supply by re-excavating those tanks is allowed to continue, the existing sources of water-supply to such villages will grow less and less and will at last altogether disappear entailing heavier expenditure for the excavation of new tanks. This aspect of the question, will, I hope, forcibly appeal to the hon'ble members.

For these reasons, Sir, I beg to move that a committee be appointed at an early date to investigate and report on the ways and means to preserve these tanks first and then, if possible, other waterways too. Considering the importance of the subject, the resolution will, I hope, commend itself to the acceptance of the House.

Babu TANKANATH CHAUDHURI: The problem of water-supply outside the city in the mutassal is a very acute one; in many places people scarcely find good drinking water for themselves, far less for their cattle. There are many old tanks in many places, and it is in the fitness of time that the hon'ble mover has asked that some arrangement

should be made for preserving these tanks. He has said that a committee should be formed, but a few minutes back we heard the Hon'ble Minister in charge of Sanitation say that the formation of a committee is only a means of shelving matters indefinitely. If the result of the formation of such a committee be the shelving of such a matter, we do not like to have one. But the thing is this, that the problem of water-supply is very acute, and we should try to improve the water-supply of the rural areas as early as possible.

With these few remarks, I support this resolution.

The Hon'ble Sir SURENDRA NATH BANERJEA: I am in a difficulty with regard to this matter. I am in great sympathy with the resolution. The adequate supply of water is a burning question in certain areas; the supply is not sufficient and there is very keen feeling about it. All that deserves most sympathetic consideration on the part of Government, but I would observe and my friend, I think, will agree with me when I say that this does not seem to me to be a practical way of grappling with the difficulty. You want to appoint a committee for the purpose of suggesting means for the preservation of tanks and water-courses throughout the province. Now, does it not occur to most of us that the conditions of water-supply in different districts differ, sometimes differ very much? In my opinion the best thing under the circumstances would be, having regard to the differences in the local conditions, to ask the local bodies in charge of the water-supply to look into it? Does it not occur to us that this is really a matter for the local bodies, and not for the Central Government? Government will help as it has so often done in the past. For instance, we sanction grants and loans to municipalities that ask for them in connection with water-supply. The other day we made a large grant to one of the municipalities in the mufassal, and we are constantly making grants of this nature. When a scheme of water-supply is submitted to Government. I am referring to municipalities—we have the scheme tested by our experts, and therefore, so far as financial assistance and expert advice are concerned, the Government is always ready to help local bodies with advice and money, but it does not seem to me that any practical purpose is likely to be served by the appointment of a committee such as the one proposed, except, as my friend has suggested, the shelving of the question indefinitely. I cannot, as a member of the Government, or as a member of this Council, approve of such a policy. Of course, if my friend wants it, he may have it, but I do not think that this resolution can serve any useful purpose; as a matter of fact, I understand that local bodies at the present moment in some districts are preparing water-supply schemes. Therefore, what I should like to suggest to my friend as a practical *via media* would be that Government would undertake to call the attention of the local bodies to this resolution and ask them to do what they can. That seems to me a

practical solution of the difficulty; if you want to shelve the matter indefinitely, by all means appoint a committee, but if you want to solve the problem, we undertake to circularise the District Boards, send them this resolution, and ask them to do what they can.

Babu SURENDRA NARAYAN SINHA: From what I have heard from the Hon'ble Minister, I agree with him in the idea that if he asks the local bodies to consider the resolution, I am ready to withdraw it. But one thing that strikes me is this: to my mind the present law is not adequate enough to enable the local bodies to assist in the re-excavation of silted-up tanks in rural areas. Some of the zamindars are gradually settling them with their tenants. For this purpose I suggested a committee in order to give power to the local bodies to preserve these tanks. I hope when the Hon'ble Minister will draw the attention of the local bodies in connection with this resolution, he will kindly instruct them to consider this point also.

The Hon'ble Sir SURENDRA NATH BANERJEA: Yes, I will do that.

The motion was then, by leave of the Council withdrawn.

Withdrawal of resolution.

The following resolution standing in the name of Maulvi Azaharuddin Ahmed was, in the absence of the member, deemed to be withdrawn.

" This Council recommends to the Government that the system of realising compound interest on loans in *Tamaksuk* and on mortgages be abolished in Bengal "

Introduction of standard weights in Bengal.

Maulvi RAFI UDDIN AHMED: " This Council recommends to the Government that standard weights be introduced throughout Bengal. "

This resolution requires very little explanation. There are various weights prevalent even in the same district. We have at Jessore at least four kinds of weights, viz., one of 60 tolas making a seer, one of 80 tolas making a seer, one of 82 tolas making a seer and another of 120 tolas making a seer. Excluding certain respectable shop-keepers, the majority of them are very shrewd men and they have very little scruples to deceive unsuspecting people. Besides when the things are purchased at different districts, there is also some difficulty.

I know the difficulty that will be created by this resolution if it is put to practice all at once, but all that I want is that a beginning should

be made in this direction by the Government to save the people from deception and fraud practised on them.

With these words, I beg to recommend my resolution to the acceptance of the House

The Hon'ble Sir SURENDRA NATH BANERJEE: I shall be able to deal with this question in a very few words. This matter has engaged the attention of the Government of India, but the Government of India are very cautious in proceeding with it. This is more or less a matter of public education, and the ideas of the people have to be trained in this respect. All my friend wants in his proposal is that a beginning should be made; his proposal is a modest one, and I am prepared to associate myself with him in starting this beginning, and if it leads to the standardisation of weights and measures, I am sure Government would be thankful to the hon'ble member for having introduced this resolution. What I would suggest, and what I would propose to do in this connection, is that we should circularise the local bodies in order to ascertain their views with regard to this matter, because legislation will have to be undertaken, and Government can not do so unless and until the trend of public opinion has been ascertained. Therefore, if my friend wants a beginning to be made, and would accept my proposal, he might see his way to withdraw his resolution.

Maulvi RAFI UDDIN AHMED: In the circumstances, I beg leave to withdraw the motion.

The motion was then, by leave of the Council, withdrawn.

Elected members of Council to be "ex-officio" members of district boards.

Dr. JATINDRA NATH MOITRA: "This Council recommends to the Government that steps be taken so that each elected member of the Bengal Legislative Council may be appointed *ex-officio* as a member of the particular district board where his constituency is located."

I am not a member of the district board and I think there are several members here who are like me. And many of us cannot afford to lose further time and money for conducting an election to the district board without neglecting the work of the Legislative Council here. But I have often felt the need of an intimate knowledge of the district board lying in our own constituency for mutual help and co-operation. During the last one year, I have seen several interpellations by the hon'ble members of this Council relating to their own district board and this means that several members feel the need of this intimate knowledge. Further, it is also to the advantage of the district board that they should be in close touch with the Legislative Council, as their wants, their grievances can be brought to the notice of the Government without the least possible

delay. This is the bare outline why I have brought this resolution for the consideration of this Council, and I may tell you that I am personally convinced of its utility, although I do not deny that there are some practical difficulties along with it. There are some members in this Council who are representatives of divisions, and in their case any district board, practically where they reside, will suit my purpose for the matter of this resolution.

With these few words, I commend my resolution to the acceptance of the House.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I rise to oppose this motion; there are various grounds for my opposition. There are many members who represent several districts, as, for instance, Sir Asutosh Chaudhuri represents both Pabna and Bogra, and is it possible that he should serve as a member of the district board of both Pabna and Bogra? In the second place, there are many districts where either the Hindu or Muhammadan population predominates. As a matter of fact, if these members are to be *ex-officio*, they are to be taken out of the numbers which are kept by Government for nomination, and in that case the number of nominations by Government will decrease. Government will have to nominate the Civil Surgeon, the District Inspector of Schools and sometimes the Superintendent of Police and the Subdivisional Officer; so that, if the members of the Council are to be nominated by Government as members of the district board, Government will have a very small number of members to nominate for the purpose for which this nomination is reserved. The nomination is intended for the purpose of preserving the balance between the two sides. It is often found necessary to nominate some Hindu members in order to give the Hindus a voice on the district board; so also, as regards Muhammadans. I may add here that the present system of electing members to the district board and local board is somewhat defective. The minorities have no chance because each member is given one vote to be given to each candidate and if a particular community happens to be in the majority, they will monopolise all the seats and the minority cannot get any seats; so to preserve the balance a certain number of seats are reserved by Government for nomination. The effect of this will be minimised if the members of Council are made *ex-officio* members of the district board. Of course, if the members desire to serve as members of the district board they can offer themselves as candidates for election. In the case of district board members, as my learned friend has said, if they are unwilling to undergo the difficulties and trouble and expense of election and other things, they may be returned as members of the district board by the local board. If the country appreciates their services, and they are not returned as members of the local board, they might be returned as members of the district board if they have sufficient qualifications to become members of that board and, if the country really wish to return

them as members of the district board, so I do not think it is desirable that Government should be hampered with any extra members, so as to minimise their advantage for redressing the balance between the two communities. With these words I oppose this motion.

Maulvi EMADUDDIN AHMED: I also rise to oppose this resolution, because you will find if this resolution is accepted, one day members of the Legislative Assembly will also want to be nominated as members of the district board, and so also members of the Council of State. What is the principle underlying this election of the members of the district board? Some time ago the nomination was half and half, and it is an admitted fact and it has been acknowledged now that the people ought to go through election, and if they will accept this principle, you are going against the very principle of election. There are the popular ministers and members, the leaders of our country, and if they care to go to the district boards, of course they will be able to go easily through the election which will bring them into closer touch with the people.

From that point of view also it will be better, that these nominees should go through election; there are other difficulties, as pointed out, in the case of certain members who are to be *ex-officio* members of the board, for instance, the Civil Surgeon, and so forth; if you nominate these members of Council, it will tie the hands of Government in making other nominations. Then again, to speak frankly, I do not find that it would very possible for some of these members, and some of them may not care to go into the interior to look into things there and attend meetings of the district board. For instance the landlords here—I do not speak against them—they do not like to live in the country; they like to live in Calcutta, and live in big houses here, and it would not be possible for them to go and attend meetings. At the same time, I think if any member, who is a member of the Council here, wants to go there—he is a leader no doubt, and has been returned to the Legislative Council—he will have the best chance of being returned as a member. In these circumstances, coming down to the principle, we ought to seek election and not nomination. Nomination is the least desirable, and if this sort of nomination is resorted to, it will militate against the very principle of election. With these words, I oppose this resolution.

Babu SURENDRA NATH MALLIK: I do realise that in a matter like this, mufassal opinion is of much greater value than that of a Calcutta man, and I think members from the mufassal are likely to know more about the situation than a man like myself. All the same, I do think that the idea underlying this resolution is a commendable one. To my mind, it seems that members of this Council ought to be in the closest possible touch with the district board, particularly members from the mufassal, and in that view I think it is a very good idea that our

brothers here from the mufassal should also be *ex-officio* members of the district boards, so that they may know the district board work, and make themselves more intimate with, and more easily approachable to, the people of the district, so that they may represent their grievances in the Council here. Starting from the broad point of view, I think this resolution is a very commendable one. It has been pointed out to me that there may be some difficulty with regard to nomination, because at the present moment under the Act, possibly a limited number is allowed to be nominated. Difficulties like that seem to be of a trumpery character and can easily be removed by bringing in amending sections and things of that character. That, however, need not stand in our way if the principle is one which we can accept, and we can ask the Hon'ble Minister to help us by putting in an amending clause of this kind. I do not think in a matter like this much more need be said; as a matter of fact, already there are many members, chairmen and vice-chairmen who are also members of this Council. I took a count outside this Hall, in the lobby, so much so in one particular district both the chairman and the vice-chairman are here; in others there are two or three who are members of the same district boards. The Chairman of the District Board of Burdwan, Raja Maniloll Singh Roy, is here; the Chairman of the District Board of Bankura, Rai Abinash Chandra Banerjee Bahadur, is here, and I think Dr. A. Suhrawardy is Chairman of the Midnapore district board; then my friend Raja Reshee Case Law is Chairman of the District Board of the 24-Parganas; there are also other district board members here. The Maharaja of Nadia is Chairman of the District Board of Nadia; Khan Bahadur Maulvi Wasimuddin Ahmed is Chairman of the District Board of Pabna. So that I find that practically two-thirds of my friends are from the district boards; they are bound to be so; if you send representatives to the Council, they are bound to be the chairmen and vice-chairmen of the district boards; they are the leaders in the district and every municipal town. So I do not exactly find that there are very strong reasons to oppose this resolution. I have very great pleasure in supporting this, and I think it is a move in the right direction.

Babu NITYA DHON MUKHERJEE: I rise to support this motion. Of all persons, two mufassal chairmen of the district boards have thought fit to oppose this motion. Perhaps they are afraid that in future their seats might be contested by other members of this Legislative Council, but I do not think such an occasion will ever arise. The motion has been opposed on two grounds: one that there will be difficulty if the motion is accepted, because there are members who have been elected from more than one district; that is a matter of detail which may be considered by the Local Self-Government Standing Committee. As to the other question, the question of nomination, this also is a matter of detail which may be considered by the Local Self-Government Standing Committee. There is absolutely no reason

why this motion should be rejected. The two gentlemen who thought fit to oppose this motion, could not put forward any practical grounds for their opposition. The difficulties put forward are merely supposed difficulties which might be settled in detail by the Local Self-Government Committee, if the Hon'ble Minister accepts the resolution. I, therefore, strongly support this motion and I hope it will be carried.

Raja RESHEE CASE LAW: The resolution proposes to make each elected member of the local Legislative Council *ex-officio* member of the district board where his constituency is located. It is difficult to understand precisely the object with which this resolution has been moved. The constitution of the district boards and local boards is based upon the provisions of sections 7 and 13 of the Bengal Local Self-Government Act of 1905. Generally speaking, two-thirds of the members of the district boards are elected by the local boards and one-third nominated by the Commissioner of the Division in which that district board is situated. Thus, for instance, the district board of the 24-Parganas consists of 30 members of which 20 are elected by the several local boards, and 10 are nominated members. To carry on the work of the district board, the number of members composing the board are quite enough for the purpose, and no useful purpose would be served by adding to the number, as there is no necessity for such addition. But supposing that the resolution be accepted, then difficulty would arise in conducting the work of the board as the periods of existence of the district boards and the Legislative Council do not terminate at the same time. Much inconvenience would be felt by the district boards in doing work during the period of general election of the Legislative Council, which cannot be less than six months after the discharge of the old Council, as the *ex-officio* members of the district board would necessarily cease to exist in the interim. It would be an easy thing for members of the Legislative Council, willing to serve as *ex-officio* members of the district boards, to get themselves elected in the local boards of the subdivisions in which they reside under section 13 of the Act, and thus get themselves returned to the district boards as representatives of their respective local boards—this would save much inconvenience to the district boards during the period of Council election. Moreover, the admission of *ex-officio* members into the district boards whose constitution is defined and regulated by the Self-Government Act and the rules framed under that Act, will necessitate a recasting of the law and rules framed thereunder, and so long as this is not done, the acceptance of the resolution, instead of doing any good, would cause much difficulty to the smooth working of the district boards. I therefore oppose the resolution.

Babu KISHORI MOHAN CHAUDHURI: I heartily support the resolution. At present half the members of the district board—I do not know the exact figure; at least in my time, when I was in the district

board, it was half—are elected, and the other half nominated by Government—

The Hon'ble Sir SURENDRA NATH BANERJEA: No, it is not half; two-thirds are elected.

Babu KISHORI MOHAN CHAUDHURI: If a member wants to join the district board, he must seek election first in the local board, and with the support of the local board members, if he is fortunate enough, he can go to the district board, or he can be nominated by the District Magistrate. This is a difficulty at the present moment. I am really sorry that several chairmen of district boards have opposed this motion. I do not know if there is a lurking suspicion in their mind, and it may be they do not like to be disturbed in their position as there may be other competitors, but whatever it may be, I think the elected members of the Council, the representatives of the people, would be a very valuable asset to the district board. They would be the link between the provincial and district administrations. As in the Calcutta Municipality, it may be that some of the members may not like to go through the general constituency, and therefore, instead of securing by election the presence of some competent persons, arrangements have been made that some members should be elected by the elected members of the Corporation. So here, I think, if this principle be conceded, it will be very valuable service done to the district board; the district board will be benefited by the advice and presence of the representatives of the people. If they can represent their constituencies in the Legislative Council, I do not understand why they should not be considered competent to go to the district board. It is in the interests of the district board also that they should be made its members; there should be no difficulty in the way. At present the Civil Surgeon and the District Deputy Inspector of Schools are *ex-officio* members of the district board. Where will the harm be if there is one more representative of the people? Government may not be so anxious to nominate some one from outside if they get proper men in the Council in the person of the elected members. I think this is a very good suggestion, and I have to thank the members for bringing forward this proposal. I have every hope and confidence in our Hon'ble Minister in charge of this department, and I am sure he will see his way to grant this concession, in whatever way he thinks proper, either by accepting the resolution or amending the particular section or in any other way. The suggestion, therefore, I think, is a very valuable one, and I hope it will be accepted.

Maulvi RAFI UDDIN AHMED: I beg to support the resolution. The members of this Council are the chosen representatives of the people. Why should the district boards have objection to accept these men into their confidence? Besides, these members will know the district better and will have better chances to represent the people here. Under the constitution, half the district board members are elected by the local board

members who again are elected by the people—one-fourth are Government servants and one-fourth are nominated by the district board. As regards the Government nominations, the Subdivisional Officer, the Civil Surgeon and the Inspector of Schools are nominated on the board and the district board has only power to nominate one-fourth. Why should the district board object to take these representatives into the board unless it offends the susceptibilities of the chairman? I see no reason for opposition and I think that is the reason which has actuated the Chairmen of three district boards here to oppose this resolution. So I support it.

Rai JOCENDRA CHUNDER GHOSE Bahadur: I have very good reason to sympathise with those gentlemen who are not members of the local governing bodies of their constituencies; but I am afraid, that this resolution, if passed by us, will be an additional reproach on us that we seek out self-interests here (Cries of: "No, no"). I was a member elected by the district boards of the Presidency Division, but I was not a member of any district board and I did not think it right that I should seek nomination or even election there. I should say that it is right that those gentlemen who are out of their district boards or other local governing bodies should be nominated by the Government, but I should leave it to the Government authorities to do what is proper and I should not force them to do anything out of our selfish interests.

Babu TANKANATH CHAUDHURI: I rise to support this resolution ("Hear, hear"). I did not think that there could be any difficulty on the part of a member of this Council to do the work of the district board. A man can very well do both the works; he can be a member of the Council as well as a member of the district board. At first I had no mind to speak on the resolution, but when I found that three veteran chairmen of the district boards one after another opposing this resolution and when I found that some gentleman remarked that the chairmen of district boards are afraid of losing their powers and therefore they are opposing it, I thought it proper that I should speak something on this resolution. I do not think that if a member of the Council is nominated *ex-officio* member of the district board, he would take away the popularity of the chairman or rather of prospective chairman of the district board. It may be said about myself that I have not been long enough a chairman to drink deep the cup of power, but I would put forward one argument in favour of this resolution which I did not find any of the members putting forward before. We would like to see more popular representatives on the district boards than we have got now. At present we have got two-thirds of the total number of members elected by the local boards; and if we can send in more elected members through the channel of nomination, it would add to the number of elected members on the district boards. Generally, on every district board, we have got some 24 to 30 members of whom 16 to 20 are

lected. Now, if you can send in 2 or 3 members who are elected representatives of the people, we will have a larger number of elected element on the district boards. For these reasons, I support the resolution.

KUMAR SHIB SHEKHARESWAR RAY: I had no desire to take part in the debate, first, because, as Khan Bahadur Emaduddin has said, that if the members of this Council were really so minded, they could very easily get into the district boards, and secondly, because those members of the Council who had seriously taken to the Council work would not be able to devote much time to the district boards. The attitude, however, of some of the members who are Chairmen of district boards, is really surprising. Really, they should have been the first people to welcome the idea, but I find and I regret to find that it is they who are the only members of the Council to raise their voice in opposition to this proposal. Now that I have heard them, the real motive behind their opposition appears to me in all its nudity. Their opposition on the ground of numerical or nomination difficulties is absolutely an eye-wash. What their real objection to make us their associates, is, as has been pointed out by our friend Babu Kishori Mohan Chaudhuri that they see in us very formidable rivals to their rather safe position as Chairmen. The advantages of Dr. Moitra's proposals are numerous and I need not recount them here; the chief of which undoubtedly is the close association of the members of this Council in the administration of the local self-governments of their respective districts and this, undoubtedly, is very desirable from the point of view of district boards, but this is not thought desirable by the Chairmen of district boards who are here!

The Hon'ble Sir SURENDRA NATH BANERJEE: I am very sorry that an element of personal reflection should have been introduced into this debate, and aspersions should have been made upon the Chairmen of district boards who had ventured to speak out their minds and to express frankly and courageously their opinions with regard to this motion. I have especially in view the unworthy, the unjust and the unmerited reflections that have been cast upon my esteemed friend, Raja Reshee Case Law. It has been suggested—I speak with a sense of indignation, because I know the facts—that Raja Reshee Case Law, among others, is opposed to this motion, because he is afraid that if members of this Council were to get into the district boards, his place would be jeopardised, and the places of other Chairmen of district boards would be imperilled. So far as Raja Reshee Case Law is concerned, I say this, with the utmost emphasis and in justice to him and as an answer to the unmerited aspersions that have been cast upon him, that he is anxious to be relieved of the responsibilities of Chairman of the District Board of the 24-Parganas ("Hear, hear"). He has seen me again and again—I think he saw me only day before yesterday and he begged of me to do what I could in order that he might be early relieved of his present office as Chairman of the District Board of the 24-Parganas. I think

Babu Kishori Mohan Chaudhuri owes it to himself, as a matter of fairness, that he should withdraw the remarks that he has unjustly made about the chairmen of district boards. We have had too much of this sort of things in this Council—aspersions cast upon the representatives of the people for frankly, honourably and wholeheartedly doing their duty. I think there ought to go forth a strong protest on the part of this Council against the ~~unmerited~~ reflections which have been made and the unworthy arguments that have been brought forward. I trust that it will not be necessary for me to raise my voice again in this matter. Let us have a purer, a nobler, a more generous atmosphere, prevailing within the precincts of this Chamber of legislation, where is enthroned the representative majesty of the people. Let it not be said that this Council has been degraded into a place where abuse and calumny are freely bandied about.

Well, Sir, so much as to the personal matters concerned. I feel it my duty to oppose this resolution on behalf of Government, and I place my case upon a constitutional ground. Our members of Council are to be *ex-officio* members of the district boards. The whole trend of modern democratic institutions is to make members of public bodies responsible to their constituencies, be these constituencies the Government or the electorates. The elected members are responsible to their constituencies, the electorates. The nominated members are more or less responsible to the Government which appoints them. But these gentlemen are to be *ex-officio* members without any trace of responsibility to any person, to any constituency or to any Government. They would be autocrats outside the constitution, outside these democratic institutions which we are so anxious to introduce and establish in this country. I ask: Is this Council prepared to support a motion which is based upon an unconstitutional foundation like this? It strikes at the very root, the very essence, the spirit of those democratic institutions upon which this Council is based and which we are so anxious to establish in this country. That is the first objection, that it is undemocratic; it is unconstitutional and as such it ought not to be supported by this Council.

Let us look at the matter from another point of view. Suppose you pass this resolution, what will the public say? They will say: "We thought as much. It means an enlargement of the powers and privileges of some of the members of Council and it is as much as we expected. I ask the members of the Legislative Council whether they are prepared to lay themselves open to an indictment of this kind ("Hear, hear"), which would be based upon sound reason? (Babu Surendra Nath Mallik: Question). I am entitled to have my say and I will not be interrupted by anybody, not even by Babu Surendra Nath Mallik. I put it to the members of this Council whether they will allow themselves to be placed in a position where their conduct is liable to a misunderstanding of this kind? The people will say: "Oh, yes; they are out for the expansion of their privileges and this is only an illustration of it."

What becomes of the prestige, the credit, the dignity of this Legislative Council? We often hear of our electorates. I think Dr. Jatinendra Nath Moitra said on some occasion that he had a *rakalatnama* from his constituency. What will your electorates say, when they will find that they are deprived of their power of returning members to the district boards? Of course, the very electorates which return members to the Legislative Council return members to the district boards, and you deprive your electors of the power of returning members to the board, because once they are returned as members of the Legislative Council, they become *ex-officio* members of the district board. Thus, you deprive them of the right which they enjoy at present, a constitutional right which it is your business to safeguard. I would not be a party to it and I would not have Government to accept it. Carry this resolution if you like against the Government. You think Government will be coerced, but Government will not submit to it ("Hear, hear"). Our institutions are all derived from the institutions of England. Has anybody ever heard of a member of Parliament being also *ipso facto* a member of a County Council? I have never heard of it.

My friend, Babu Nitya Dhon Mukherjee has supported this resolution: but he has done it in a very disinterested way, and let me point out his unselfishness in this matter. This resolution recommends that all who are members of this Council are to be *ex-officio* members of the district boards. Why not members of the municipalities also? I would add a rider that all members who represent Calcutta, whether they be members of the Corporation or not, if they are members of this Council, must also be members of the Corporation ("Hear, hear"). I am sure the members of the Corporation here will resent a thing of that kind. They would resent it as an invasion of the constitutional rights of the Corporation, and I am here as the Member of Government to guard the constitutional rights of the district boards. I therefore oppose this resolution and I trust that the gentlemen, who have spoken and supported it after hearing me and in view of the grave constitutional issues which are at stake, will decline to go into the lobby with my friend the mover who, I am afraid, seeks to mislead and misguide us.

DR. JATINDRA NATH MOITRA: From what I have heard from the opposers of this resolution, it seems to me that their opposition is based on a technical difficulty. But my resolution definitely states that steps be taken to give effect to this resolution. The Government know what changes are to be made. No rules are unalterable and the rules and regulations are often changed to suit the needs of the people. Sir, what is the function of the district board? Is it not included in the functions of the Legislative Council to some extent? After all, party considerations did not actuate me to bring forward this resolution. I felt the need and usefulness of our connection with the district boards. I am convinced that much good will come out if this resolution is given effect to.

("Hear, hear"). It has been argued that it will take away the democratic character of the district boards. But if my resolution be given effect to, it will provide some seats in the district boards for the elected members of the Legislative Council like myself, whom you have, so far, not found to be sacrificing the interests of the country for the sake of his private gain ("Hear, hear"). However, on the other hand, the election to the Legislative Council will be more thorough and abler men will be returned to this Council for the very sake of getting efficient members for the district boards also. If you allow the Civil Surgeons and in some cases other Government officers to be *ex-officio* members of district boards, do you think that the members of the Legislative Council will be less efficient than them and will be more subordinate to the wishes of the Government? ("Hear, hear"). I deny that allegation and I will not withdraw my resolution.

The motion was put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Raß Uddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Mr. M.
Ahmed, Munshi Jafar.
Ali, Mr. Syed Erfan.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Barma, Rai Sahib Panchanan.
Bhattacharji, Babu Hem Chandra.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Babu Tankanath.
Chaudhuri, Rai Harendranath.
Das, Babu Bhismadev.
Huq, Maulvi Ekramul.
Khan, Maulvi Hamid-ud-din.

Khan, Maulvi Md. Rasque Uddin.
Khan, Mr. Razaur Rahman.
Makramali, Munshi.
Malik, Babu Surendra Nath.
Moltra, Dr. Jatindra Nath.
Mukharji, Professor S. C.
Mullek, Babu Nirode Bahary.
Nasker, Babu Hem Chandra.
Pahlewan, Maulvi Md. Abdul Jubbar.
Ray, Kumar Shib Shekhareswar.
Roy, Babu Jogendra Krishna.
Roy, Mr. Bijoy Prasad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Salam, Khan Bahadur Abdus.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sinha, Babu Surendra Narayan.

NOES.

Ahmed, Khan Bahadur, Maulvi Emaduddin.
Ahmed, Khan Bahadur, Maulvi Wasimuddin.
Banerjee, the Hon'ble Sir Surendra Nath.
Basu, Babu Jalindra Nath.
Bis, Mr. E. E.
Chaudhuri, the Hon'ble the Nawab Saiyid
Nawab Ali, Khan Bahadur.
Das, Mr. S. R.
Duval, Mr. H. P.
French, Mr. F. C.
Ghose, Rai Bahadur Jogendra Chander.
Gode, Mr. S. W.
Hophyne, Mr. W. S.
Huntingford, Mr. G. T.
Karim, Maulvi Abdul.
Karim, Maulvi Fazal.

Kerr, the Hon'ble Mr. J. M.
Khaitan, Babu Devi Prasad.
Lang, Mr. J.
Law, Raja Reshee Cass.
Mitter, the Hon'ble Mr. P. C.
Pugh, Colonel A. J.
Rahim, the Hon'ble Sir Abdur.
Roy, Raja Mantion Singh.
Spry, Mr. H. E.
Stephenson, Mr. H. L.
Suhrawardy, Dr. Hassan.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

The Ayes being 34 and the Noes 30, the motion was carried.

Cadastral Survey and Settlement Operations.

Maulvi MUHAMMAD ABDUL JUBBAR PAHLOWAN: "This Council recommends to the Government that the cadastral survey and settlement operations be postponed so long as the financial conditions of the province do not improve."

I think everyone of us in this Council, either official or non-official, must admit that the present financial conditions of the province are as bad as they could ever be and that therefore additional taxations are going to be imposed on the poor people. I am always opposed to taxation and unnecessary expenditure, and the cadastral survey and settlement operations, which are now going on in some districts, are not so useful that Government are not in a position to avoid them. I submit that it will be wise for the Government not to burden the people with fresh taxation at the present moment as this will give a handle to the non-co-operators who go about and preach that by the present administration, the people are going to be poorer and poorer, and so I think Government should at least postpone these operations until the financial conditions improve. It might be said that a large number of officers have already been appointed and that if the operations are now postponed they would be thrown out. I submit that Government should have thought of the poor tax-payers prior to the consideration of its servants and so I appeal to the Government and to the Council to accept my resolution and to give effect to it.

Raja RESHEE CASE LAW: There can be no doubt that the object with which this resolution has been moved is a laudable one, as the cadastral survey and settlement operations entail a good deal of expenditure upon the landlords, tenants and the Government, and all of them feel a severe strain upon their purses on account of the present economic and financial conditions of the province. But the remedy proposed by the resolution will be worse than the disease, if it be given effect to its full extent. Lots of money have already been expended by all the parties concerned during the progress of the survey and settlement operations, not to speak of the trouble which they have undergone in their attempt to prove their right, title and interest. If the operations therefore be postponed indefinitely, as there is no certainty when the conditions of the province will improve, then all the troubles and all the expenditure that have already been incurred will go for nothing, and when the operations will be resumed, the settlement officers will have to tread the same ground over again from the very beginning, as in the meantime there would be considerable change in the rights and ownerships of the lands by inheritance and transfers by sale, gift, mortgage, etc. Hence there would be a severe loss both to the landlords and tenants, and the labours of the previous settlement officers will be of no practical use. Under the circumstances, it would be better if the resolution be accepted in a modified form, and that is, not to commence cadastral survey and settlement

operations where they have not already begun, but only sanctioned, till the financial conditions of the province improve, but where the operations have already commenced, they should not be kept in abeyance. I should therefore support the resolution if it be accepted in this modified form.

The Hon'ble Mr. J. H. KERR: In the absence, through a regrettable accident, of the Hon'ble the Maharajahdiraja Bahadur of Burdwan, it has fallen to me to deal with this resolution. I have perhaps some qualifications for discussing this matter because I spent seven years of my life in the Settlement Department and I can thoroughly appreciate what the effect would be if effect were given to this resolution. The Council last March, by a large majority passed after a lengthy discussion a motion which indicated that in their opinion the programme of the preparation of the record-of-rights in Bengal should be carried out as quickly as possible and should not be stopped. Since then we have had our financial disappointments, and one of the things that I most regret about the financial stringency is that it compelled me to propose to Government that the programme of the Settlement Department should be cut down by half. I made that proposal after discussing the situation in great detail with the Director of Land Records, and we came to the conclusion that while it was feasible to curtail the operations to that extent, it would be absolutely impossible to stop them altogether with the hope of resuming them when financial conditions improved. The effect of stopping the operations temporarily would indeed be serious. It would mean that we should have to discharge the whole of our skilled survey staff, thus involving us in very considerable liabilities for compensatory pensions, because these men being highly skilled draw fairly high rates of pay. Apart from the survey staff, we have the settlement staff, mostly temporary men it is true and not entitled to pensions, but I submit entitled to some consideration at the hands of this Council. The number of kanungoes at present employed in the Settlement Department is 285 and the number of clerks and peshkars 1,800 and the number of amins about 2,000. Now, it would be a serious matter to turn these trained men out into the street—serious not only for the men themselves but also for the Settlement Department and for the Government because it would take a long time if after an interval of a few years the settlement operations were resumed, to collect a staff of that kind again and to train them. It would take a very long time before the staff could be as efficient in its work as the present staff is. So I say that it would be false economy to stop the settlement operations from the point of view of Government and it would be very unfortunate from the point of view of those men whom we have trained and given employment to with every reason to suppose that they would receive similar employment for many years to come. It would be a great hardship on these men to turn them out.

Then again the effect of stopping the settlement operations on the general administration would be serious. Those who are serving on the Committee appointed to consider the amendment of the Bengal Tenancy Act will, I am sure, support me when I say that all our most valuable information comes from the settlement officers. They alone can give us definite information as to the state of relations between landlords and tenants in different parts of the province and as to the manner in which proposals for the amendment of the law will affect landlords and tenants in particular areas. I say it would be a great misfortune for Government and the administration and for the landlords and tenants of this Presidency if these settlement operations were stopped. That is particularly the case in connection with the operations which have just been started in the Rajshahi Division and in Northern Bengal regarding which we have at present remarkably little information in respect of the state of relations between landlords and tenants. Then a further point is if we accept the resolution and stop the settlement operations now, we should lose all the money we have laid out in Pabna, Bogra, Birbhūm and Khulna. Those districts are not yet ready for recovery operations and it is obvious that if we stop the preparation of the record-of-rights for three or four years, the whole work will have to be gone over again and we could not expect the landlords and tenants to pay for the work that has been carried out up to date. As a matter of fact the arrangements that have been made for curtailing the settlement programme will result next year in as large a sum being collected in the matter of recovery of settlement costs as will be spent on extending the operations; that is to say, the net cost of settlement operations to Government next year will be nothing at all. So I claim that in this unavoidable and regrettable financial stringency, in this unavoidable and regrettable curtailment of settlement operations, we have, as a matter of fact, proceeded on the most economical lines possible. This particular resolution would lead to great loss to Government, to the administration and to all who are interested in tenancy questions. It would lead to grave injustice and hardship to the large trained staff that we are employing, and I trust that the Council will decline to accept this proposal.

Maulvi MUHAMMAD ABDUL JUBBAR PAHLOWAN: After hearing the Hon'ble Member I think I should withdraw the resolution, and so I ask the permission of the Council to do so.

The motion was then, by leave of the Council, withdrawn.

Withdrawal of resolution.

The following resolution standing in the name of Babu Indu Bhushan Dutta was, in the absence of the member, deemed to be withdrawn:—

"This Council recommends to the Government that the minimum age-limit for the Matriculation examination of the Calcutta University

be fixed at fifteen years on the 1st March of the year in which the examination is held and that this rule be introduced from the current year "

Improvement of sanitary condition of villager.

Rai JOGENDRA CHUNDER CHOSE Bahadur: I move that " this Council recommends to the Government that a committee consisting of 12 members to be elected by the Council by the single transferable vote be appointed to recommend practical measures for the improvement of the sanitary condition of villages and supply of good drinking water and to devise ways and means for carrying out such measures immediately."

I move this resolution because one year and more have elapsed since this Council was constituted and we came in here with high hopes of progress and amelioration of the conditions of the people of this country. If there were no such hopes, I for one would never have thought of coming here. But during the last year I find that nothing has yet been done, and I do not know whether during our tenure of office here anything good will accrue to this country. We have passed resolutions after resolutions but nothing has yet been done. It is in our power only to pass resolutions, but it is for the executive to give effect to them. Of course, the financial difficulty is in our way. I do not for a moment think that our Minister, Sir Surendra Nath Banerjee, is not anxious like myself that something should be done for improving the sanitary conditions of this country, but in despair I ask, what has been done? I therefore move this resolution that a committee be appointed to consider the whole matter and to devise ways and means, but if I find that our Minister has taken ample measures or is going to take ample measures I shall be satisfied. But as I am not yet satisfied that he has done anything I move this resolution.

The Hon'ble Sir SURENDRA NATH BANERJEE: I think I had better reply now for the simple reason that an explanation from me will probably satisfy my friend, and possibly he will not press his resolution. My friend wants to know what has been done, and he has expressed some little impatience at the fact that nothing has yet been done. I desire to point out that we have been only one year in office and a year is not very much in the life time of a Government or Minister, but we have not been idle during that year, and I think I shall be able, if I am asked, to present to the House a record of work which I trust the House will regard as satisfactory, even in the matter of public health. We are framing comprehensive schemes of anti-malarial operations for as many districts as we possibly can. My friend will probably remember that I circularised the district boards asking them to hold conferences—district conferences—for the purpose of formulating schemes of water-supply and anti-malarial operations, promising at the same time that I would be present

if required. Well, I had the honour of being present at nine of these district board conferences, and I think several district boards have submitted their schemes, and my Department is considering them.

The Sanitary Engineer and the Director of Public Health are conferring in order to settle what schemes should be taken in hand, and I have just made inquiries to-day: they have nearly come to some definite conclusion. Of course, for financing the schemes a policy of loan will be absolutely necessary. Therefore, as soon as these schemes are ready, I propose to lay them before the Legislative Council and ask the Council to vote the money. It will be necessary to embark upon a loan policy and if I get a loan I hope to be able to lay the foundation of a broad and comprehensive campaign of anti-malarial operations. I hope my friend will be satisfied. More than that I cannot say at the present moment. Thus, we are doing some work and we hope to do more.

With regard to water-supply, the position is very much the same. The district boards were invited to submit schemes of anti-malarial operations and also schemes for water-supply and they have done so in several cases. It will be seen that we have worked on these fundamental considerations affecting the health of the province, because if we can extend an adequate supply of pure water and grapple with malaria I think we shall have laid broad and deep the foundations upon which the public health of the province depends. I hope and trust that my friend after hearing this explanation will not press his motion.

Rai JOGENDRA CHUNDER CHOSE Bahadur: I have heard Sir Surendra Nath Banerjee. So far as we are concerned, we must to a certain extent rely upon our Minister and without him we can simply pass ineffectual resolutions. Therefore, we must wait till he formulates his scheme and then it would be time for me to ask for a committee to examine the scheme, and as Sir Surendra Nath Banerjee agrees to that, I withdraw my resolution.

The motion was then, by leave of the Council, withdrawn.

Commercial Institute, Calcutta.

Babu KISHORI MOHAN CHAUDHURI: I move that "this Council recommends to the Government that the Commercial Institute in Calcutta be raised to the status of a Commercial College for higher commercial study up to Commercial degree examinations with arrangements for practical training by apprenticeship in well-established firms recognised by Government."

I have been trying for some time to bring this matter before the Council, but somehow or other there has been some delay. It is, I understand, in the contemplation of Government and there has been some attempt for developing the Commercial Institute which is now conducted by Government in Bow Bazar Street. Last year, when our

Minister in charge of the Department presided over the prize Distribution ceremony, he said—

A degree or diploma no doubt loomed very large before the pupils who came in earlier days, and they felt disappointed not to find any provision for these after they had passed from here, but by this time they have come to realise that success in business or the chance of preferment in business firms depends upon what they can do rather than upon what they possess, for business men are business men all the world over.

Later on he said—

I am aware that the improvement of the institute is a matter of great importance. The accommodation, though central, leaves much to be desired. The Technical School which is to be constructed in Corporation Street is designed with a view to its ultimate development into a Technological Institute. It may be that accommodation can be found there for the Commercial Institute. The possibility at any rate will not be lost sight of. Again there is the question of the recruitment of a Principal in England. This at present rests with the Secretary of State, but in view of the difficulty which has been found in obtaining a Principal with the special training and qualifications required, I am now considering whether steps cannot be taken to expedite matters. On the arrival of a Principal, I propose, after he has had time to get experience of the work, to go into the question of the future development and expansion of the Institute.

So I understand that this Government has decided that something should be done.

The Calcutta University proposed some time ago to appoint a Committee to formulate schemes for the arrangement of commercial study which it did and the report was submitted in March, 1918. But nothing has been practically done. Recently, an arrangement has been made in the University for post-graduate study in commerce. I really fail to understand why this arrangement was made but not the other one, that is for the affiliation of certain institutions up to the B.A. standard. In the existing institution though the students are taught up to the I.A. standard, no such diploma is granted. It can be taken as a school imparting education in commerce up to the I.A. standard and if it can be affiliated up to the B.A. standard a real improvement would be made in the way of vocational education. Nowadays it is admitted on all hands, that vocational education is of absolute necessity, but as a matter of fact we have done nothing so far as this is concerned.

I referred to the speech of the Hon'ble Minister in which it is stated that an attempt was being made to recruit a Principal from England and I may submit that at the time it was arranged that a qualified Principal beginning with a pay of Rs. 800 should be recruited. The qualifications laid down by the Government for the Principalship were that he should be a graduate of a British University and should have specialized in some way that will be useful to him as the head of the only Government institution providing commercial education in an important commercial centre like Calcutta. It was stated that he should, if possible, have had experience of commercial education in Great Britain and have a knowledge of economics or have had some actual experience in business. Thus

it will be seen that a knowledge of economics and experience in business is specially laid down as being the kind of qualifications that the Principal should possess.

That was the arrangement made, but the Secretary of State could not find out any man of such qualifications and on such a pay and none has been appointed up to this day. Subsequently Mr. Sen, who is now in charge of the Commercial Institute, was recommended to be appointed Principal. Now in to-day's *Englishman* I see an advertisement inviting applications for the post of the Principal of the Government Commercial Institute, Calcutta, on I. E. S. pay. For a candidate of non-Indian domicile the initial salary will be Rs. 1,000 more or less according to age, and will rise to Rs. 1,650 or over, including allowances. If a candidate of Indian domicile is appointed the corresponding figures will be Rs. 850 and Rs. 1,400 respectively. The Principal will be required to lecture on some commercial subject besides controlling the Institute. He should have had actual business experience in addition to other general and special qualifications, and should preferably be a University graduate. The appointment will be made by the Government of Bengal. Here it will be noticed that he need not be a University graduate. That is to say what advantage we derive by appointing any man of non-Indian domicile on a higher pay I fail to understand. On the other hand, the amount provided for the appointment of such a Principal may be utilised and Mr. Sen be appointed for the present to be the Principal of the Institution and a third-year class be opened at once with the help of two other officers who may be available in India on Rs. 300 to 400 a month each. At present for the evening class in the Commercial Institute there are arrangements for teaching (1) outlines of political economy, (2) banking and currency, (3) annuities and insurance, (4) mercantile law, and (5) accountancy and auditing. But there are only two professors at present employed there. Though there is a provision for the appointment of three officers for teaching other things, at present I think the mercantile law and accountancy and auditing are taught, but for other subjects there is money provided. If that amount be utilised in the existing institution at once a third-year class can be opened for the furtherance of commercial study. At present only some clerks are turned out. That is not really the thing we want. We want higher training in commerce. The Calcutta University Commission's recommendation was that at present an institution up to the I.A. standard might be opened, and subsequently when the students would be coming up in large numbers higher training could be imparted up to the B.A. standard. As the Calcutta University had already provided for post-graduate study in commerce, I believe the University is now prepared to recommend any institution if the Government be willing to provide for necessary funds and in this case, as I said, it will not be a very costly scheme for Government. For opening a B.A. class I think any such amount as was proposed last year for the appointment of the

Principal would be quite enough and the whole amount may not be necessary because an increment of Rs. 200 or 300 to Mr. Sen would be quite enough to induce him to accept the responsibility of the Principal and to other lectures who might be appointed on Rs. 700 to 800. So far as the third-year class is concerned, we need not wait for long and the special arrangement for building a suitable house need not be made at present. I believe that there is an amendment proposed by Mr. Khaitan on this subject. I think the Marwari community will be very anxious to encourage such an institution, and I hope and trust with their co-operation and assistance this can be made a success, and Bengal might be greatly benefited by the arrangement of vocational education for which in Calcutta there is not very sufficient arrangement for the youthful generation to earn a decent livelihood by taking to commercial enterprise.

For these reasons, I think the proposed arrangement will be considered by Government and the arrangement for appointing another man on a higher pay without insisting upon the qualifications for which the arrangement was previously made, I mean merely a highly-paid officers' appointment, should not be considered enough and the existing arrangement might be utilised with the help of the officers suggested at a very moderate expenditure. A third-year class might now be opened and that to the existing class examination the curriculum for I.A. examination might be added. That will be sufficient for our present purposes and next year further necessary arrangements might be made for opening a fourth-year class and further accommodation might be provided. After the recommendation by the Calcutta University, the Government of India was willing to do something and if the existing institution could be recognised then as an institution for imparting education up to the I.A. standard the B.A. classes might have been opened by this time. The object of materialising the institution up to the B.A. standard could be accomplished but unfortunately that has not been done. In Dacca, a beginning has been made, and I understand a larger number of students flock there and many had to come away disappointed for want of accommodation. At Berhampore, I believe, the Maharaja of Kasimbazar opened an institution, but it could not go on for want of sufficient encouragement from Government. I understand now in the Commercial Institute about 700 to 800 students are admitted annually. Every year many students come for admission and my information is that a large number of students is rejected for want of accommodation. The Sydenham College at Bombay is a very costly arrangement and it is not possible for many to take that advantage. My suggestion is that Government should reconsider the appointment of a highly-paid officer as Principal and abandon that idea for the present, and Mr. Sen who I understand was found competent by the members of the existing board and who was actually recommended for the Principalship some time ago and who has been working here for the last 11 years may be appointed

to the post. He is an M.A. in economics and the institution will be benefited by his appointment. While it was a part of the Presidency College about 200 students used to get instruction there; at present about 700 to 800 get their instruction and there is every possibility of developing this institution. If Government would be kind enough to make a very moderate grant, the institution might gradually develop.

With these words, I submit the proposal for the acceptance of the House.

Babu DEVI PRASAD KHAITAN: I am grateful to Babu Kishori Mohan Chaudhuri for having brought this subject before this House. The amendment that I am moving is that the words "affiliated to the Calcutta University" be inserted after the word "College" and that the following words be added at the end, viz., "and that the said University be given option to include the same as a part of its teaching department." The resolution as amended would read like this: "This Council recommends to the Government that the Commercial Institute in Calcutta be raised to the status of a Commercial College affiliated to the Calcutta University for higher commercial study up to commercial degree examinations with arrangements for practical training by apprenticeship in well-established firms recognised by Government and that the said University be given option to include the same as a part of its teaching department."

The condition of our province is well known. There is a great deal of unemployment. In the recent debate that took place in Parliament on the 14th of this month, the Secretary of State in the course of the debate said:-

India was highly taxed, prices too were very high and the population was very poor. The only cure was the development of the industrial and agricultural resources of India in order that people might become richer.

Sir, every word of it is absolutely correct, except that there is a slight omission there. He ought to have stated the development of the industrial and agricultural resources of India and the commerce of the country. In order to improve and develop the commerce of the country, it is desirable that the people of this province should be educated in commerce; and although commercial education is not the only necessary factor for the development of commerce, yet it will be recognised that it is one of the essential factors. Bombay has already got at least two colleges of Commerce—the Sydenham College of Commerce and the Institute of Commerce and it must be known to almost every member of this House that both the colleges are progressing very satisfactorily. It is rather a matter of disgrace that, although we talk so much of the improvement of commerce and the establishment and imparting of commercial education, we have at present no commercial college whatsoever. As has been stated, the Commercial Institute, that is at present being conducted in Calcutta, is merely a manufacturer of clerks rather than

of persons who take an independent charge of commercial houses and can run commercial business on their own initiative. This is what is desired. There are some schools in this province which want to give commercial education in the school curriculum; and although the University has adopted a scheme whereby commercial education could be imparted at schools, yet the schools cannot do so by reason of the fact that, after passing the Matriculation examination, there is no institution whatsoever to which students can go for advanced study in commerce. It is very desirable, Sir, that the Commercial Institute that is at present run in Calcutta by Government, should be raised to the status of a Commercial College. Then, Sir, the question comes for consideration as to where the expenses are to come from? It is well known that the Calcutta University has at present framed a scheme for commercial education. That scheme is satisfactory. But the Calcutta University, if it is to run a separate college or a separate department by itself for the commercial education of its students, cannot find the necessary funds. Again Government cannot find the necessary funds for running an independent commercial college. By amalgamating the most important commercial teaching department of the University with this Commercial Institute it may be raised to the status of a Commercial College. The amendment that I am moving does not make it compulsory on the University to take it up, if they cannot do it. What I say the Calcutta University has been doing a good deal in recent years in order to impart commercial education to students, and there is no reason why this Institute should not be made over to the Calcutta University, if they find that by amalgamating their own teaching department with this Institute they can run commercial course very well. There is another advantage in the combination. It is well known that it is at present difficult to find out teachers and professors for commercial course in this country. For some branches it will be necessary to bring teachers and professors from outside notwithstanding the fact what the learned mover of the resolution has said that it is not at all necessary to bring in professors from outside to teach commercial course. It is a lamentable matter no doubt, but it is a fact that it has got to be recognized and that if commercial education has got to be imparted, teachers and professors on some branches have got to be brought from outside. Now if these two are amalgamated the result will be that the same set of professors will be able to teach from the first-year class to the post-graduate course and the teachers being under the guidance of the able professors brought from outside will be better able to perform their duties by reason of experience. Moreover, the Commercial College which will come into existence by such combination can be run on far sounder basis with the minimum of expenditure and with the maximum of more satisfactory and good results than what they are at present obtaining in the existing commercial institute, and I hope and trust that in these times when there is so much talk of commercial and

industrial growth something substantial should be done to impart sound education at least to some of our students who are very anxious to receive such education.

The question of unemployment cannot be solved by simply creating clerks and by creating posts in Government and municipalities. There is a limit to all these. What is to be done? We must develop our commerce and industries—and that cannot be done as long as our young men are not well trained in this branch. I hope, Sir, this resolution will commend itself not only to the acceptance of this House but also of Government.

Babu KISHORI MOHAN CHAUDHURI: In view of what has fallen from Mr. Khaitan, I accept the amendment.

MR. KRISHNA CHANDRA RAY CHAUDHURI: I have every sympathy with the resolution and the amendment and have no doubt that the mover is prompted with very best motive. Sir, my experience in England and in India teaches me that commerce cannot be taught in colleges or schools. It can only be learnt by apprenticeship in shops and mercantile firms. Training in commercial colleges make students unfit for humble commercial life. Mr. Khaitan who comes from the Marwari community knows very well that the Marwari commercial men do not know anything about political economy nor they see any commercial maps and charts nor read commercial geography and yet they are captains of commerce and industry. I have seen in Manchester students after getting their degree of B. Com. from the Manchester University fail to find lucrative employment in the local mercantile firms. Out of a large number of these commercial graduates only a few to my knowledge succeeded in finding good employment. In this country, I am afraid, students after getting their commercial degree will try to seek employment under Government. I remember the cases of the agricultural students who were sent from here to the Cirencester College in England and after they passed out from there very few took to agriculture as profession but some of them entered Government service as Deputy Magistrates and they thought that they had a special claim on Government. We have amongst us good commercial magnates like Sir David Yule, Kesho Ram Poddar, Mr. Madan and others—they are the people who know what commercial training is good for youths and with whose firms they ought to be placed for commercial training. I think, Sir, the whole business of commercial education should be in the hands of the Calcutta Corporation. In England it is the Corporation with commercial magnates as Councillors which has charge of commercial education and these magnates admit pupils in their firms. As regards the Government Commercial Institute which we have in Calcutta it turns out shorthand writers and typists and accountants and I know, Sir, from personal experience that its passed pupils cannot find employment in any Calcutta firms as responsible assistants because they learned nothing about

practical business, except the art of shorthand and typing and accountancy. Unless these men serve as apprentices in a commercial firm they can learn nothing about business and you cannot expect any firm to employ them as assistants either.

I say that instead of the University, commercial education should be taken over by the Calcutta Corporation and the Commissioners who are connected with commerce and trade of this great mercantile city should control commercial education.

MINISTER in charge of DEPARTMENT of AGRICULTURE AND INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): I am in agreement with much that has been said by Babu Kishori Mohan Chaudhuri. The necessity of improving the Government Commercial Institute and of raising its status has long been recognised by Government. But it has also been recognised that an essential preliminary is the appointment of a fully qualified Principal. It is now two years since this Government moved the Secretary of State to recruit a qualified officer for the post. Some time ago the Government felt that the matter could no longer be deferred, and asked the Secretary of State, if he were still unable to find a qualified candidate, to allow us to select and appoint a Principal locally. We have just received his sanction to the adoption of this course, and steps are now being taken to fill the post. The new Principal will require some time to study existing conditions, but I shall ask the Director of Industries to draw up as soon as possible, in consultation with the Principal, a complete scheme for the improvement of the Commercial Institute. The question of affiliating the Institute to the University and of the granting of degrees for Commerce will then receive full consideration. At present I have an open mind on the subject. On the one hand, the Calcutta University Commission thought that the time had not yet come for granting degrees; on the other hand, circumstances have changed since the Commission wrote its report, and there is an undoubted popular demand for degrees in Commerce. I am therefore prepared to refer the matter of affiliation to the expert advisers of Government.

As regards arrangements for higher training by apprenticeship in recognised firms, a scheme for granting diplomas in accountancy has been prepared and is now under the consideration of Government. It is proposed that apprenticeship in a recognised firm should be one condition of the grant of such diplomas. The Council will recognise that this is not a matter which can be settled finally by Government. It must be arranged in consultation and co-operation with the firms. I am, however, prepared to consult the Director of Industries as to the proposal.

As regards Babu Kishori Mohan Chaudhuri's suggestion that the proposal to appoint a highly-paid Principal should be dropped, I must oppose it with all the strength at my command. Government, Sir, consider that the appointment of a fully qualified Principal is an essential preliminary to any measures that may be taken for the improvement

of the Institute and in this view they are supported by their expert advisers and by the Governing Body of the Institute. We do not propose any extravagant scale of pay. The Principal will be recruited on the scale of pay sanctioned for officers of the Indian Educational Service. I do not think the Council will consider this excessive in the case of a post requiring very exceptional qualifications. I am therefore strongly opposed to the proposal that the appointment of a fully qualified Principal should be dropped. The candidate selected, I may explain, if he is not a graduate, will be required to have practical experience of business.

As regards the amendment proposed by Babu Devi Prosad Khaitan, I am not prepared to agree that the Institute should become part of the teaching department of the University. Such a change should mean a radical alteration in the character and objects of the Institute. The aim of the Institute is to give a practical education in commercial subjects which will fit men for employment in the large commercial offices of Calcutta. Though we hope to effect great improvements and to raise the standard of teaching in the Institute we do not propose to alter its character. Our aim will still be to turn out young men fitted for a practical commercial life. If the Commercial School formed part of the teaching department of the University only students who have already graduated could join its M.A. classes and the education given would in the main be a higher development of theoretical economics. The University control of these subjects will mean the control of theorists. At present the control is mainly in the hands of practical men. University control will not help the students to openings in business. It will qualify them rather for teaching economics and such subjects than for practical commercial work. We wish to turn out young men fitted for responsible and well-paid posts in the commercial world and to secure this object it is necessary that the Institute should remain under the Government and should not be made over to the University.

Babu KISHORI MOHAN CHAUDHURI: I am glad that Government have every sympathy for my proposal. There is only difference as regards the amendment proposed by my friend Babu Devi Prosad Khaitan and Government do not accept it. As regards my suggestion that the appointment of outsiders as Principal be not approved, I say that the gentleman now in charge of the Commercial Institute should be appointed as Principal, but on that point, Government is not prepared to accept my suggestion. As a matter of fact, that was only my suggestion; in reality it is not intended in the resolution which I have moved; there I simply say that the Institute may be further developed and affiliated up to the B.A. degree and special arrangements may be made to impart practical education in Government recognised firms. I say that up to the extent there is no practical difference between myself and the Government. I hope that it may be accepted without any difficulty. As regards the amendment of Babu Isevi Prosad Khaitan, I

am prepared to accept it, but if Government object to it, it may be separately dealt with; the sense of the Council may be ascertained with regard to it and action taken accordingly.

As regards the objection of Mr. Krishna Chandra Ray Chaudhuri, I am sorry that he likes to go back and says that the existing institute should be abolished altogether and some students or apprentices might be sent round to some well established firms with premium paid by Government or somebody else. I do not know how many boys can be taught in that way. Out of every 1,000 clerks now employed in commercial firms in Calcutta, at least 50 per cent. are students coming out from the Commercial Institute; if my information is correct this shows that the institute as it is now is not useless. Mr. Sen is the present officiating Principal and he is well known to many; he is an M.A. and was for some time a partner in the firm of Messrs. Jardine Skinner & Co. Many students of the Institute are doing well in independent commercial enterprises. If, under the existing arrangements, a majority of clerks are turned out, it is not the fault of Mr. Sen. He is fully prepared to make arrangements for higher study. If he is thought competent, he may be appointed as permanent Principal. I simply made this suggestion, but I leave it entirely to the Board of Studies or the experts of the Government to consider, and about the conferring of degrees, it is also for the Government to consider in consultation with the University which is a part of Government arrangements. If anything is to be done by the University, money must be supplied by Government; so practically the University is a Government department. Experts or some other competent persons should be taken or some bureau should be constituted to supervise the Commercial Institute.

The Calcutta University Commission had this matter under their consideration. They recommended that a beginning should be made for higher commercial courses in the Institute; the Calcutta University also came to the same conclusion.

Mr. Chaudhuri's suggestion is to give up these enterprises and simply to arrange for turning out a few apprentices with some premium advanced by the Government or the Corporation. That is a proposal which the Council ought to seriously consider. But on the desirability of arranging for vocational education for the rising generation, I hope there is no difference of opinion. How that can be achieved is of course a difficult question that we have to consider. The Marwari community is very sympathetic with us in this respect; English commercial firms also are sympathetic. Government should take the matter in their hands and arrange for these firms to enrol apprentices to impart practical training. If we are to get commercial education, I believe theoretical education is also necessary, and as to the practical side, classes may be held for that sphere of the business also. Some information bureau may be set up, and the procedure of conducting business may be taught. Arrangements for commercial enterprise should be made. I do not

know what is the state of things in European countries, whether they have done away with commercial schools or institutions, and simply depend on the apprentices in firms, I do not know. I am not fully aware of that. So far as my information goes, the Sydenham College of Commerce in Bombay was started in Bombay to give practical education in commerce. Whatever may be the decision of the Government, I hope they should arrive at it without further delay. A beginning should be made at once, but if it is to be done, it is for the experts to decide how to do that, if Government accept my proposal.

The amendment of Babu Devi Prosad Khaitan was then put and lost.

The original motion of Babu Kishori Mohan Chaudhuri was then put and carried.

* Visiting staff of jails.

Dr. JATINDRA NATH MOITRA: I move that "this Council recommends to the Government that each elected member of the Bengal Legislative Council be appointed an *ex-officio* member of the visiting staff of all the jails lying within his constituency."

The recent affairs in several jails in Bengal have been the subject matter of heated discussion in this Council as well as in the public platform and the public press. We are all aware of the fact that almost every constituency here has contributed to the large influx of the jail population where all sorts of punishments were inflicted even on the under-trial prisoners and the Jail Code was violated in some cases by the officers in charge. The people of the constituency naturally expect that their representatives in the Legislative Council will move the higher authorities to redress the legitimate grievances of the inmates of the jail. But in 9 cases out of 10 the elected members of this Council who are mostly not *persona grata* with the Government have not the opportunity of visiting the jails without the knowledge and permission of the Hon'ble Member in charge of Jails. Granting that the Hon'ble Member above alluded to grant the necessary permission, the member so desirous of visiting the jail finds, on his arrival there, that better arrangements have already been provided for. On asking the convict, he is often times informed that the day previous to his arrival he did not see such arrangement. I may cite a concrete example. On my arrival at Faridpur I was informed by several non-co-operator prisoners who are all gentlemen that they were getting radish leaves as their vegetables for six days previous to my arrival and the *dal* was absolutely sickening. I tasted the food myself and asked the prisoners to do so, but to their amazement they found that the food had a different flavour and different taste and different materials. I do not impute that the Hon'ble Member in charge of Jails informed the officer of the jail privately before the arrival of the visitors, but I do say that the officers

of the jail keep information of our movements so far as they are concerned and they arrange accordingly. Now it is idle to expect that Government will yield to the general desire of the people to make the people's men the visitors of the jail, but Government should have some regard for the honesty of the members of this Council. The members of the Legislative Council, however, feel it humiliating to ask the permission of certain officers of Government for special permission each time they wish to visit the jail, and further, it becomes impossible for any one to make a surprise visit to find out the true state of affairs, which is very necessary not only for the benefit of the people but also for safeguarding the good name of the Government. It is with this object in view that I have brought this resolution for the kind consideration and acceptance by the Council and I hope I do not ask this in vain.

The following amendment to the resolution of Dr. Jatindra Nath Moitra standing in the name of Mr. Tarit Bhusan Roy was, in the absence of the member, deemed to be withdrawn:—

“ That in motion No. 79, after the word ‘ constituency ’ at the end, the following be added, namely,

‘ and that each selected member for a Calcutta constituency be deemed as such *ex-officio* member of the visiting staffs in respect of any jail in which political offenders convicted in Calcutta are imprisoned.’ ”

Kumar SHIB SHEKHARESWAR RAY: I move by way of amendment that motion No. 79 do take the following form, namely:—

“ This Council recommends to the Government that non-official members of the Bengal Legislative Council be appointed *ex-officio* visitors of all the jails in the Presidency of Bengal ”

I had no great desire to take part in this debate but when I saw the resolutions tabled, I felt that all of them fell short of their mark. In my amendment I want that all non-official members of this Council, whether elected or nominated, should be made *ex-officio* visitors of all the jails in the Presidency of Bengal. Without meaning any reflection on any body, I am constrained to say that the present mode of nominating non-official visitors of the jails is not at all satisfactory. The Commissioner and hence the District Magistrate has now the power of nominating such visitors and the appointment is looked upon more as an honour, or dignity, just as honorary magistracies, than as opportunities for real work. And these dignities also have got to be secured by ingratiating oneself into the good graces of the local authorities. It is a matter of great regret that we had long neglected the jails where our unfortunate countrymen are lodged for their occasional lapses. Criminology had never been seriously studied here and jails were only regarded as segregation camps for the morally diseased. A jail-sentence on a person practically tantamounted to his civil death, for it was very difficult for him to get back into his former set. So a sentence of jail, instead of having any reformative effect on him, branded him for ever as a

person to be avoided. There might be even some justification, though I should say very poor, for such mentality and treatment. For formerly, at least, in our country, it was quite difficult to enter the portals of a jail without some sort of moral culpability. But things have changed now. A policy of the Government has made, some of the otherwise lawful acts, illegal and punishable with jail sentences. Men of the highest ranks of our society, our friends and relatives have been put into jails for doing things which even a representative body like this Council considers as perfectly justifiable. Even small boys have been punished with jail sentences. These events have suddenly opened our eyes; the harrowing tales which these gentlemen bring home, the sad sights which their friends who go to visit them witness, have unexpectedly brought home to us the extremely unsatisfactory conditions and absurdities that prevail inside the jail walls. We have now learnt that even respectable cultured people are flogged in the jails and punishments unknown to the civilised world, are indulged in at the sweet will of the jail authorities. We owe these revelations not to the ordinary jail visitors, but to a member of this Council who was patriotic and humanitarian enough to take up the cause of the oppressed, boldly. No doubt there are many visitors of the jails in Bengal, but they are mostly local people, whose interest it is to be in the good books of the local officials. Local people, in most cases, dare not oppose any idiosyncrasies, whims and vagaries on the part of the local authorities. Even the Indian Jails Committee of 1919 had observed, in passing, the bad effects of the visitors being and remaining *persona grata* with the authorities in order to retain their dignity of a jail visitor. The demoralising effect of the present system would be apparent from the lack of interest of the non-official visitors of the jails. In the latest Jail Report we find that in the year 1920, only 240 visits were paid by about 225 local non-official visitors amongst a total number of about 90 jails in the presidency. So long we have tried this visiting of jails by local people and we have seen what interest they take in these matters. They seem to be quite satisfied with what to them is a mere "honourable position." Perhaps their indifference to the duties of their "honourable position" has been induced in them for the reasons I have already mentioned, namely, their dependence on the local officials, their interest even to remain *persona grata* with them. But with the members of the Council, it is expected to be otherwise. A member, say from Rangpur, can have no object in ingratiating himself into the favour of the local authorities of say Burdwan and if he happens to be there and has the authority to visit the jail, he shall be able to tackle the matter justly and fairly. No doubt, we are sent to this Council by particular constituencies, but when we are here we must take interest in everything pertaining to our country and not remain indifferent or silent when our particular constituencies are not concerned. There are only about 115 non-official members of Council and an addition of this number to the list of jail visitors would not be

much and would not in any way interfere with the work of the jail authorities. For the Jail Committee itself says that no jail official save two warders need accompany such visitors. Then, Sir, it does not at the same time imply that all members would take to visiting the jails. I only ask for this privilege for ourselves so that those of us who are so inclined might take up this humanitarian work. We have already seen how the recent visits to jails by some of the members of this Council, through the courtesy of the Hon'ble Member in charge, have worked for the amelioration of the jail conditions. The Indian Jail Committee had fully recognised the beneficent influence of non-official jail visitors and had recommended an increase of their number. I shall finish by reading out to the House what they have said in this connection:—

The existence of non-official visitors is specially valuable as supplying a training ground where members of the public can obtain an insight into jail problems and learn to take an interest in prisons and prisoners. It is of great importance to create such an interest in the public mind and the appointment of non-officials is one of the best methods of promoting this end. Although, therefore, some of our witnesses have criticised the system, we think it has only to be *extended and improved* in order to be productive of even greater advantages in the future than in the past.

I hope, Sir, that the amendment will be acceptable to the House.

At this stage the Council was adjourned for 15 minutes.

After the adjournment.

The Hon'ble Sir ABD-UR-RAHIM: The question of appointing more non-official visitors to the jails of Bengal is one which has been engaging the attention of the Government for some time. As a matter of fact, there are at present four members of the Standing Committee for Jails and Administration of Justice, who are elected members of this Council, and they have been given authority to visit whichever jails they like. I believe they have utilised this opportunity to some extent, but I do not think they have been able to visit very many jails outside their own districts or Calcutta. So far as these four gentlemen are concerned, they have to deal with good many problems of the jails which are now engaging the attention of the Government. It is well known to this House that both the Government of India and this Government are dealing with the Jails Committee's report which occupies a very large volume, and many questions arise in connection with that report, and the Jails Standing Committee are advising Government on them. So far as these four members are concerned, whatever you call them, whether you call them *ex-officio* members or otherwise, they have got permission from Government to visit whichever jails they like and make whatever recommendations they like. As regards other non-official members, to the best of my knowledge, whoever has hitherto applied to Government or to the Superintendents of Jails, or the Inspector-General of Prisons for permission to visit any particular jail, they have been granted that permission. I know some members approached me, and they will bear me

out that permission was readily granted to them, and I believe this has also been the case with those gentlemen who applied directly to the Inspector-General of Prisons. I say therefore that no sort of difficulty has been thrown in the way of any non-official visitors who desired to acquaint themselves with the conditions prevailing in the jails. Therefore, I can say to the House very confidently, that so far as Government is concerned, there is not the least desire on the part of Government to shut out from the purview of the Council, the conditions prevalent in the jails. In fact, we are considering various schemes for improving the jail administration, and I say on behalf of Government that we intend to ask for the co-operation of all members, all prominent members, of the public and also members of this Assembly, to help the Government as far as possible with suggestions for improving our jail administration. For this purpose we are willing and eager to allow those who want it every opportunity for visiting the jails. We are not afraid of criticism, even if this criticism at times is liable to be somewhat exaggerated, but this much I must point out also to the House that the visitors of jails have got certain definite duties to perform; they are expected to visit the jails of which they are non-official visitors, regularly, and the district magistrate would be expected to call meetings of the jail visitors from time to time. I mean, the office of a non official jail visitor is not merely an honorary one in the sense that he may drop in casually and see how things are going on and form some sort of impression; he is expected to go into the jail, question prisoners, see what sort of food they are given, see what sort of punishments are inflicted, and whether the punishments inflicted are proportionate and also see whether they are recorded in the register kept for the purpose. There are these and other definite duties assigned to the non-official visitors of the jail. Then you must remember that whenever any non-official visitor or any other visitor visits a particular jail, the jail officials are expected to give them every facility for the discharge of their duties. They have to provide attendants for them, they have to provide a guard for them, take them to any part of the jail they want to go to, and assist them in every possible way in coming to a right conclusion as regards the conditions prevailing there. What therefore I propose on behalf of Government is that we should give every member of this House, who is really anxious to help in the jail administration, every opportunity to become a visitor to the jail, but we are not prepared merely to have anybody and everybody, whether he takes any interest in jail administration or not, declared a visitor of every jail in the province *ex-officio*, that is merely by virtue of the fact that he is a member of the Council. With respect to those members of the House, who supported this resolution, I must point out that it would be as unreasonable for a member of this House to say, that by virtue of his office as a member of the Legislative Council, he is entitled to inspect, wherever he

happens to be, any jail, as to say that he is entitled, by virtue of his office, to inspect every school, every hospital and every court that is in the province. That is not a reasonable proposition. But it is perfectly reasonable that those who are desirous of doing something to help the administration and to introduce improvements in the jails, should have opportunities for doing so. I may tell the House, for instance, that we have got a very considerable number of proposals for introducing religious teaching in and educating the inmates of the jails. Those are questions which are engaging the attention of the Government and for that purpose it is necessary for Government to secure the help of the public as far as possible. I think, therefore, the proposition put forward by Kumar Shib Shekharewar Ray is too wide; it really can serve no useful purpose, but I accept the principle of the proposition underlying the resolution moved by Dr. Jatindra Nath Moitra that opportunities should be given to those members of this House, who want to inspect a jail, to do so. I am therefore prepared to accept the resolution if it is amended in the following way:—

“ That this Council recommends to the Government that non-official members of the Bengal Legislative Council be appointed visitors of a jail or a sub-jail lying within their constituencies, provided that such members are resident within their constituencies and are willing to undertake the duties of a visitor of a jail; and that the number of such members to be appointed as visitors be ordinarily two for a central jail, one or two for a district jail, and one for a sub-jail.”

I can also assure the members of this House that if this does not give opportunities to every member to be a non-official visitor I on behalf of Government shall be prepared to appoint them by rotation, so that everybody gets a chance of being a visitor in his turn.

Kumar SHIB SHEKHARESWAR RAY: May I inquire what will happen to the special electorates?

The Hon'ble Sir ABD-UR-RAHIM: I do not think they will come under this, but on behalf of Government I am willing to give them also a chance if any of them want to be visitor. But I do not want on behalf of Government to accept any proposition which would authorise a man living in Birbhum, to be a non-official visitor of a jail, say, in Comilla or Chittagong; that can serve no useful purpose. All that I am anxious is to give permission to those who are willing to do some practical work for the welfare of the jail population. If this amendment be accepted it will not prevent the appointment of other members who may come forward to help in improving the jail administration, and as far as I am concerned, I am anxious to have the co-operation of such members. If the mover of the resolution accepts this, I think it will meet his object.

Rai JOGENDRA CHUNDER CHOSE Bahadur: The very reasonable proposal made by Sir Abd-ur-Rahim should be accepted by the movers of

these resolutions. He has gone to the utmost limit of concession that could be made. If that does not satisfy my friends, I am afraid nothing will satisfy them. Sir Abd-ur-Rahim has asked us to remember that there are certain duties which the visitors have to perform; they have to meet in committee meetings, they have to pass resolutions, and if my friend Kumar Shib Shekhareswar Ray's resolution is passed, everyone of us here have to be visitors and will have to go to meetings which might be held in Chittagong. That is a proposal which seems to me very unreasonable. What Sir Abd-ur-Rahim has proposed is the utmost we can get. We, for ourselves, propose to get many things; but we shall never get them. We want district board membership; we want to get a visit-orship to the jails, and we want Rs. 3,000 a year as salary later on we might demand half the kingdom and the king's daughter!

Babu SURENDRA NATH MALLIK: Jokes and levity apart, I do not think that it is quite correct to say that every visitor to the jail has got to attend meetings called by the District Magistrate. I have been a visitor to a jail for some time, and I have never been called upon to attend any meeting. My friend over there is still a visitor, and has been one for over two years, and he has never been called upon—

The Hon'ble Sir ABD-UR-RAHIM: May I explain? I was referring to the proposals of the Jail Committee which are being considered by the Government.

Babu SURENDRA NATH MALLIK: These are meant only for the official and not for the non-official visitors who do not count; this is justice. (A voice: "No.") All the same, I think the suggestion of the Hon'ble Member in charge of Jails is exceedingly satisfactory, and no objection can be taken to it. If we want to see the jails, he is willing to give us every opportunity. It is no good being a visiting member of the Chittagong Jail; I do not want to be one; I cannot do justice to the work even if I wanted; therefore, I think it is best that the rule should be that any member of this Council who expresses a desire in writing to the Hon'ble Member, to be a visitor of a particular jail, which is near his house or which he may conveniently visit may be appointed, and every facility given to him; that is why I say that the Hon'ble Sir Abd-ur-Rahim's proposal is one which commends itself to our acceptance. After what the Hon'ble Sir Abd-ur-Rahim has pointed out, I think it is good that Government should do this because it is to credit of the Government to allow people to go and see what things are being done there, and it might also be of use in contradicting mischievous rumours which might be stated against jail administration in any particular area.

I am thankful to the Hon'ble Member for permitting me to visit the Kidderpore Jail; I brought things to his notice and I must say with the greatest possible gratitude that these grievances were removed without any delay. I therefore think that my friends, the movers of the resolution and the amendments, will find that this will serve our purpose very

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well; at the same time I think that nobody should take up more offices than he can possibly discharge, and I do not think that there need be any further discussion on this matter.

Dr. JATINDRA NATH MOITRA: Referring to the Jail Committee, I say that it is not possible for only four members to do justice to the work entrusted to them so far as visiting the jails are concerned. I have already told you that the present Hon'ble Member in charge of Jails has been solicitous for the wishes of the individual members of the Legislative Council but time may come when a particular member of the Legislative Council may not be granted a similar permission. I have also brought to your notice that it is sometimes humiliating to ask the permission of a particular authority on whose action they have to comment upon. Further, I have also told you that surprise visits are necessary to find out the true state of affairs and I say that this can only be done if they are made *ex-officio* members. The amendment put forward by the Hon'ble Sir Abd-ur-Rahim defeats the purpose of our resolutions as the question of *persona grata* will crop in. Further, local influence has to be counted and it is not very pleasant to criticise the District Magistrate in whose jurisdiction the particular member of the Council resides. Further, in reply to Rai Bahadur Jogendra Chunder Ghose that the Hon'ble Sir Abd-ur-Rahim never refuses permission of this nature, I may say that the Hon'ble Sir Abd-ur-Rahim, for whom we have got the highest respect, may not adorn the portfolio for ever.

The DEPUTY-PRESIDENT: I shall put first the amendment proposed by the Hon'ble Sir Abd-ur-Rahim.

Kumar SHIB SHEKHARESWAR RAY: I object to it and I do not think that you can do it, unless you suspend the Rules of Business.

The DEPUTY-PRESIDENT: I have full power to admit the amendment and I propose to put the amendment first to vote. The resolution, as amended by the Hon'ble Sir Abd-ur-Rahim, runs as follows:—

“ This Council recommends to the Government that non-official members of the Bengal Legislative Council be appointed visitors of a jail or a sub-jail lying within their constituencies, provided that such members are resident within their constituencies and are willing to undertake the duties of a visitor of a jail, and that the number of such members to be appointed as visitors be ordinarily two for a central jail, one or two for a district jail and one for a sub-jail.”

Babu SURENDRA NATH MALLIK: Is the resident clause to be put in?

The DEPUTY-PRESIDENT: Yes.

The amended motion was then put and a division taken with the following result :—

AYES.

Ahmed, Khan Bahadur, Maulvi Washmuddin.
 Banerjee, the Hon'ble Sir Surendra Nath.
 Biss, Mr. E. E.
 Bompas, Mr. C. M.
 Bose, Mr. S. M.
 Chaudhuri, the Hon'ble the Nawab Salyid
 Nawab Ali, Khan Bahadur.
 DeLisle, Mr. J. A.
 Duval, Mr. H. P.
 French, Mr. F. C.
 Ghose, Rai Bahadur Jagendra Shunder.
 Goode, Mr. S. W.
 Ropkyns, Mr. W. S.

Huntingford, Mr. C. T.
 Khaitan, Babu Devi Prosad.
 Larmour, Mr. F. A.
 Mittler, the Hon'ble Mr. P. C.
 Pugh, Colonel A. J.
 Rahim, the Hon'ble Sir Abd-ur.
 Sinha, Babu Surendra Narayan.
 Spry, Mr. H. E.
 Stephenson, Mr. H. L.
 Swan, Mr. J. A. L.
 Walsh, Mr. C. P.
 Wheeler, the Hon'ble Sir Henry.
 Wordsworth, Mr. W. C.

NOES.

Ahmed, Maulvi Azharuddin.
 Ahmed, Maulvi Rafi Uddin.
 Ahmed, Mr. M.
 Ahmed, Munshi Ja'ar.
 Akey, Mr. S. Mahboob.
 Arhamuddin, Maulvi Khandakar.
 Bhattacharji, Babu Hem Chandra.
 Chaudhuri, Babu Kishori Mohan.
 Chaudhuri, Khan Bahadur Maulvi Hafiz
 Rahman.
 Chaudhuri, Rai Harendranath.
 Das, Babu Bhismadev.

Khan, Maulvi Md. Raheque Uddin
 Mahramali, Munshi.
 Mallik, Babu Surendra Nath.
 Maitra, Dr. Jatindra Nath.
 Nasker, Babu Hem Chandra.
 Pahlowan, Maulvi Md. Abdul Jubbar.
 Ray, Kumar Shib Shekharwar.
 Roy, Babu Jagendra Krishna.
 Roy, Mr. Bijoy Prosad Singh.
 Suhrwardy, Dr. A.
 Suhrwardy, Dr. Hassan.
 Suhrwardy, Mr. Muscyn Shaheed.

The Ayes being 25 and the Noes 23, the motion was carried

The other resolutions on the same subject consequently failed.

Adjournment.

The Council was then adjourned till 3 P.M. on Monday, the 27th February, 1922 at the Town Hall, Calcutta.

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TO

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report.)

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